

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION, 1998
VOL. 2



FOB JAMES, Governor
DON SIEGELMAN, Lieutenant Governor
DEWAYNE FREEMAN, President Pro-Tem of the Senate
JAMES S. CLARK, Speaker of the House
SETH HAMMETT, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
GREG PAPPAS, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1998 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Jim Bennett
Secretary of State

PREFACE

The right of open access to the public record is fundamental to the operation of a democracy. This access provides citizens with the ability to examine, on their own and absent the interpretation of others, the actions of their elected representatives. Through this examination, citizens make informed, and better decisions, about the character of the government. The *Acts of the Alabama Legislature* provides a detailed account of the actions of the state legislature during 1998, the fourth year of the quadrennium. Its pages continue our nation's long-standing tradition of a responsive government that encourages a constant and vigilant review by its citizens.

I hope you find the *Acts of the Alabama Legislature* informative.

Jim Bennett
Secretary of State

ALABAMA LAWS
And Joint Resolutions
REGULAR SESSION, 1998

Act No. 98-486

S. 42 – Senator Langford

AN ACT

To amend Section 11-41-8, Code of Alabama 1975, relating to validation of prior attempted incorporations by municipalities, to further provide for the validation of attempted incorporation prior to the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-41-8, Code of Alabama 1975, is amended to read as follows:

“§11-41-8.

“In all cases prior to the effective date of the act amending this code section where there has been an attempt to organize the inhabitants of any territory as a municipal corporation under this article, and the judge of probate of the county in which the territory is situated has entered an order that the inhabitants of the territory are incorporated as a town or city, as the case may be, pursuant to section 11-41-4, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the incorporation of that municipality so attempted to be organized and with respect to which the order has been made is validated ab initio in accordance with the description of the territory attempted to be incorporated as the description is contained in the order or, if the description of the territory attempted to be incorporated is not contained in the order in accordance with the description of the territory contained in the petition of the electors filed with the judge of probate, notwithstanding any failure to comply with the requirements respecting the signatures to or contents of the petition for incorporation, any irregularities as to publication or posting, or any other failure to comply with the procedures set forth in the that article or otherwise required by law. This section shall not apply to the incorporation of any municipality held to be invalid by a court of competent jurisdiction by judgment entered prior to the effective date of the act amending this code section or in any matter where litigation is pending relating to the incorporation of the municipality.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 1, 1998

Time: 8:32 A.M.

Act No. 98-487

S. 43 – Senator Langford

AN ACT

To amend Section 11-42-5 of the Code of Alabama 1975, to validate and ratify under certain conditions any municipal annexation by any municipality prior to the effective date of this act notwithstanding any procedural defect by the municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-42-5 of the Code of Alabama 1975, is amended to read as follows:

“§11-42-5.

“Every annexation undertaken prior to the effective date of the act amending this code section, under any statutory procedure for annexation by any municipality and which the annexation procedure has been completed, notwithstanding any irregularity or defect in the procedure, is ratified and confirmed and given effect in all respects as if all provisions of law relating to the annexation proceeding had been duly and legally complied with. This section shall not apply to any annexation or attempted annexation which, prior to the effective date of the act amending this code section, has been held invalid by the Supreme Court of Alabama or by the Court of Civil Appeals of Alabama or by a final judgment of the circuit court in the county in which the annexation was completed and from which judgment an appeal was not taken to the Supreme Court of Alabama or the Court of Civil Appeals of Alabama within the time provided by law for taking appeals, or to any annexation the validity of which is an issue in a pending action commenced prior to the effective date of the act amending this section.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 1, 1998

Time: 8:33 A.M.

Act No. 98-488

S. 303 – Senator Denton

AN ACT

To provide for the offense of criminal use of pepper spray; and to provide penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The crime of criminal use of a defense spray is committed if the perpetrator uses a defense spray including, but not

limited to pepper spray, foam and any other self-defense chemical spray against another person in the commission of a crime or against a law enforcement officer while the law enforcement officer is performing his or her official duties.

(b) Criminal use of a defense spray is a Class C felony.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 1, 1998

Time: 8:34 A.M.

Act No. 98-489

S. 86 – Senators Armistead, Adams, Hill,
Lipscomb, Smith, Windom, Hale,
Amari, Butler, Dixon, Mitchem,
and Bailey

AN ACT

To amend Sections 15-20-21 to 15-20-24, inclusive, Code of Alabama 1975, to further provide for the Community Notification Act and to provide for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds that the danger of recidivism posed by criminal sex offenders and that the protection of the public from these offenders is a paramount concern or interest to government. The Legislature further finds that law enforcement agencies' efforts to protect their communities, conduct investigations, and quickly apprehend criminal sex offenders are impaired by the lack of information about criminal sex offenders who live within their jurisdiction and that the lack of information shared with the public may result in the failure of the criminal justice system to identify, investigate, apprehend, and prosecute criminal sex offenders.

The system of registering criminal sex offenders is a proper exercise of the state's police power regulating present and ongoing conduct. Comprehensive registration and periodic address verification will provide law enforcement with additional information critical to preventing sexual victimization and to resolving incidents involving sexual abuse and exploitation promptly. It will allow them to alert the public when necessary for the continued protection of the community.

Persons found to have committed a sex offense have a reduced expectation of privacy because of the public's interest in safety and in the effective operation of government. In balancing offender's due process and other rights, and in the interests of public security,

the Legislature finds that releasing information about criminal sex offenders to law enforcement agencies and providing access to or releasing such information about criminal sex offenders to the general public will further the primary government interest of protecting vulnerable populations, and in some instances the public, from potential harm.

Therefore, the state policy is to assist local law enforcement agencies' efforts to protect their communities by requiring criminal sex offenders to register and record their address of residence, to be photographed and fingerprinted, and to authorize the release of necessary and relevant information about criminal sex offenders to the public as provided in this act.

Section 2. Sections 15-20-21 to 15-20-24, inclusive, Code of Alabama 1975, are amended to read as follows:

“§15-20-21.

“(a) For purposes of this article, the following words shall have the following meanings:

“(1) **ADULT.** An individual 19 years of age or older.

“(2) **COMMUNITY NOTIFICATION FLYER.** This notification shall include the following information on the criminal sex offender: Name; actual living address; sex; date of birth; complete physical description, including distinguishing features such as scars, birth marks, or any identifying physical characteristics; and a current photograph. This notification shall also include a statement of the criminal sex offense for which he or she has been convicted, including the age and gender of the victim, the geographic area where the offense occurred, and the date upon which the criminal sex offender will be released. This notification shall also include a statement that the same information is on file at the sheriff's office and police headquarters, if a police department has jurisdiction over the criminal sex offender's residence, and that the information will be available to the general public for inspection and identification purposes during regular business hours.

“(3) **CONVICTION.** A determination of guilt as a result of a plea, trial, or adjudication as either a youthful offender or a delinquent, regardless of whether adjudication is withheld.

“(4) **CRIMINAL SEX OFFENDER.** A person convicted of a criminal sex offense.

“(5) **CRIMINAL SEX OFFENSE.** Any of the following offenses:

“a. Rape in the first or second degree, as proscribed by Section 13A-6-61 or 13A-6-62.

"b. Sodomy in the first or second degree, as proscribed by Section 13A-6-63 or 13A-6-64.

"c. Sexual torture, as proscribed by Section 13A-6-65.1.

"d. Sexual abuse in the first or second degree as proscribed by Section 13A-6-66 or 13A-6-67.

"e. Enticing a child to enter a vehicle, room, house, office, or other place for immoral purposes, as proscribed by Section 13A-6-69.

"f. Promoting prostitution in the first or second degree, as proscribed by Section 13A-12-111 or 13A-12-112.

"g. Violation of the Alabama Child Pornography Act, as proscribed by Section 13A-12-191, 13A-12-192, 13A-12-196, or 13A-12-197.

"h. Kidnapping of a minor, except by a parent, in the first or second degree, as proscribed by Section 13A-6-43 or Section 13A-6-44.

"i. Incest, as proscribed by Section 13A-13-3, when the offender is an adult and the victim is a minor.

"j. Soliciting a child by computer for the purposes of committing a sexual act and transmitting obscene material to a child by computer as proscribed by Act 97-486, 1997 Regular Session, now appearing as Sections 13A-6-110 and 13A-6-111.

"k. Any solicitation, attempt, or conspiracy to commit any of the offenses listed in paragraphs a. to j., inclusive.

"l. Any crime committed in another state or a federal, military, Indian, or a foreign country jurisdiction which, if it had been committed in this state, would constitute an offense listed in paragraphs a. to k., inclusive.

"(6) MINOR. An individual 18 years of age or younger.

"(7) RELEASE. In addition to release from a state prison, county jail, or municipal jail, placement on probation or parole.

"(8) RESPONSIBLE AGENCY. The person or government entity whose duty it is to obtain information from a criminal sex offender before release and to transmit that information to police departments or sheriffs responsible for providing community notification. For a criminal sex offender being released from state prison, the responsible agency is the Department of Corrections. For a criminal sex offender being released from a county jail, the responsible agency is the sheriff of that county. For a criminal sex

offender being released from a municipal jail, the responsible agency is the police department of that municipality. For a criminal sex offender who is being placed on probation, including conditional discharge or unconditional discharge, without any sentence of incarceration, the responsible agency is the sentencing court. For a criminal sex offender who is being released from a jurisdiction outside this state and who is to reside in this state, the responsible agency is the Department of Public Safety.

“(9) SENTENCING COURT. A court whose determination is competent under state law. A sentencing court need not be the same court in which the criminal sexual offender was convicted for an underlying criminal sex offense that gave rise to the requirements of this article.

“(b) Thirty days prior to the release of a criminal sex offender for any criminal sex offense conviction from a state prison or a county or municipal jail, the following shall apply:

“(1) The responsible agency shall require the criminal sex offender to declare in writing the actual living address at which he or she will reside upon release. An intentional failure to provide a timely and accurate written declaration shall constitute a Class A misdemeanor.

“(2) If the criminal sex offender declares his or her intent to reside outside of the state, the responsible agency shall, within five days of the written declaration required by this article, notify the Director of the Department of Public Safety, the Attorney General, or the designated state law enforcement agency of the state to which the criminal sex offender has declared his or her intent to move, and shall also notify the Alabama Criminal Justice Information Center. The notification shall include all information available to the responsible agency which would be necessary to identify and trace the criminal sex offender, including, but not limited to, each sex offense history or presentence investigation of the sex offense, fingerprints, and a current photograph of the criminal sex offender.

“(3) If the criminal sex offender declares his or her intent to reside within this state, the responsible agency shall, within five days of the written declaration, notify the Attorney General, the Director of the Department of Public Safety, the district attorney and the sheriff of the county in which the criminal sex offender intends to reside, the chief of police of any municipality in which the criminal sex offender intends to reside, and the Alabama Criminal Justice Information Center. The notification shall include all information available to the responsible agency which would be necessary to identify and trace the criminal sex offender,

including, but not limited to, each sex offense history or presentence investigation of the sex offense, fingerprints, and a current photograph of the criminal sex offender.

“(4) The Alabama Criminal Justice Information Center shall be responsible for notifying the Federal Bureau of Investigation with sex offender information upon receiving this information from the responsible agency.

“(c) In every case when a criminal sex offender is released, he or she must reside for a minimum of 30 days at the address stated in his or her declaration of intent unless he or she obtains written approval from the sheriff of the county of residence, or chief of police if he or she resides in a municipality with a population of 5,000 or more, before changing his or her residence.

“(d) If a criminal sex offender transfers his or her residence to a different location after the minimum 30 day period, or earlier with prior written approval from the sheriff or chief of police where applicable, all other provisions for reporting the move shall apply.

“(e) The responsible agency shall cooperate with the Director of the Department of Public Safety in a reasonable manner that enables the Department of Public Safety to prepare a criminal sex offender release notification form, designed by the Department of Public Safety.

“(f) The information collected or maintained by the Department of Public Safety, sheriff, or police department under this article shall be used to track the locations and movements of criminal sex offenders in this state and shall be disclosed to any of the following:

“(1) Federal, state, and local criminal justice agencies for law enforcement purposes and community notification in accordance with Section 15-20-22 or another state's similar provision.

“(2) Federal, state, and local governmental agencies responsible for conducting employment-related confidential background checks.

“(g) The information in subsection (f) may be made available through the Alabama Criminal Justice Information Center network immediately upon the effective date of the act adding this subsection, and shall be made available beginning January 1, 1999, through the ACJIC/NCIC network for criminal justice purposes only.

“(h) (1) Sixty days after a criminal sex offender's most current release and, except during ensuing periods of incarceration, thereafter

on the anniversary date of a criminal sex offender's birthday occurring more than 90 days after the release, the Department of Public Safety shall mail a non-forwardable verification form to the address of the criminal sex offender. Results of the verification shall be provided to the sheriff and chief of police, where applicable, where the criminal sex offender resides.

"(2) Within 10 days of the receipt of the verification form, the criminal sex offender shall present in person the completed verification form to the sheriff, or chief of police where applicable, who shall obtain fingerprints and a photograph of the criminal sex offender. The verification form shall be signed by the criminal sex offender and shall state that the criminal sex offender still resides at that address and that the criminal sex offender is in compliance with the residence restrictions established in this article.

"(3) Failure to present in person a completed verification form to the sheriff, or chief of police where applicable, within 10 days or to fail to permit law enforcement personnel to obtain fingerprints or a photograph are violations of this article.

"(4) Within 30 days of the annual date of a criminal sex offender's address verification, the Department of Public Safety shall, in accordance with guidelines promulgated by the Department of Public Safety, receive from the appropriate sheriff or chief of police verification of the criminal sex offender's address. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individuals.

"(i) In the case in which any criminal sex offender escapes from a state or local correctional facility, the responsible agency shall, within 24 hours, notify the Department of Public Safety, the sheriff and the chief of police having had jurisdiction at the times of the criminal sex offense convictions, informing such of the name and aliases of the criminal sex offender, of time remaining to be served, if any, on the full term for which the criminal sex offender was incarcerated, and the nature of the crime for which he or she was sentenced, transmitting at the same time a copy of such criminal sex offender's fingerprints and current photograph and a summary of his or her criminal record.

"(j) In the case of any criminal sex offender, who on June 30, 1998, is on parole or probation, the Board of Pardons and Paroles shall notify the Department of Public Safety of the name and aliases of such criminal sex offender, the address at which he or she resided, the amount of time to be served on parole or probation, the nature of the criminal sex offense for which a conviction was obtained, and a summary of his or her criminal record. For purposes of this subsection, a criminal sex offender on probation or

parole includes a person convicted in another state or a federal, military, Indian, or foreign country jurisdiction of any crime which would have been punishable as a criminal sex offense if committed in this state and who is serving a term of probation or parole on or after June 30, 1998, and who resides in or enters this state. The Board of Pardons and Paroles shall direct each criminal sex offender on probation or parole to report to the appropriate law enforcement agency for fingerprinting and photographing that shall be sent to the Department of Public Safety.

“(k) If a sentencing court does not impose as sentence of incarceration upon conviction of the criminal sex offender to a criminal sex offense, notification shall be provided by the responsible agency in accordance with subsection (a) within 24 hours of release. After conviction, the sentencing courts shall order the criminal sex offender to submit to the probation officer or sheriff a DNA sample that will be sent to the Department of Forensics.

“(l) Nothing in this article shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions based on the performance of any duty imposed by this article or the failure to perform any duty imposed by this article.

“§15-20-22.

“(a) Within five days after the notification by a responsible agency of the release of any criminal sex offender, the following procedure shall apply:

“(1) In the cities of Birmingham, Mobile, Huntsville, and Montgomery, the Chief of Police shall notify all persons who have a legal residence within 1,000 feet of the declared residence of the released criminal sex offender, and all public and private schools, licensed daycare centers, and any other child care facilities within three miles of the declared residence of the released criminal sex offender, that the criminal sex offender will be establishing his or her residence. A community notification flyer shall be made by regular mail or hand delivered to all legal residences required by this section. In addition, any other method reasonably expected to provide notification may be utilized, including, but not limited to, posting a copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the released criminal sex offender, publicizing the notice in a local newspaper, or posting electronically, including the Internet, or other means available.

“(2) In all other cities in Alabama with a resident population of 5,000 or more, the chief of police, or if none then the sheriff of the

county, shall notify all persons who have a legal residence within 1,500 feet of the declared residence of the released criminal sex offender and all public and private schools, licensed daycare centers, and any other child care facilities within three miles of the declared residence of the released criminal sex offender, that the criminal sex offender will be establishing his or her residence. A community notification flyer shall be made by regular mail or hand delivered to all legal residences required by this section. In addition, any other method reasonably expected to provide notification may be utilized including, but not limited to, posting a copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the released criminal sex offender, publicizing the notice in a local newspaper, or posting electronically, including the Internet, or other means available.

“(3) In all other municipalities with a resident population of less than 5,000, and in all unincorporated areas, the sheriff of the county in which the released criminal sex offender intends to reside shall notify all persons who have a legal residence within 2,000 feet of the declared residence of the released criminal sex offender, and all public and private schools, licensed daycare centers, and any other child care facilities within six miles of the declared residence of the released criminal sex offender, the criminal sex offender will be establishing his or her residence. A community notification flyer shall be made by regular mail or hand delivered to all legal residences required by this section. In addition, any other method reasonably expected to provide notification may be utilized including, but not limited to, posting a copy of the notice in a prominent place at the office of the sheriff in the county in which the released criminal sex offender will reside and the police station closest to the declared residence of the released criminal sex offender, publicizing the notice in a local newspaper, or posting electronically, including the Internet, or other means available.

“(4) Nothing in this article shall be construed as prohibiting the Department of Public Safety, a sheriff, or a chief of police from providing community notification electronically or by publication or periodically to persons whose legal residence is more than the applicable distance from the residence of a criminal sex offender.

“(b) Any criminal sex offender, whether having been incarcerated or not, who resides within the geographical boundaries of the state, shall always be subject to the law requiring that other residents living in proximity to the criminal sex offender be notified.

“(c) At the time a criminal sex offender who was convicted prior to the implementation of this notification law registers his or her residence as required under other provisions of this notification

law, the notification procedures required of chiefs of police and sheriffs shall apply in the same manner as if the criminal sex offender was being released from incarceration.

“(d) Except as provided in Section 15-20-21(c), any criminal sex offender for whom the notification requirements of this article apply, shall give 30 days written notice of his or her intent to change his or her legal residence to the sheriff of the county and the chief of police of the municipality in which he or she resides, and to the sheriff of the county and chief of police of the municipality to which he or she plans to move if such are different. The notice of intent to move shall be on a form developed by the Department of Public Safety provided by the sheriff and shall include all the information required by this article for community notification. The sheriff shall transfer the information to the Department of Public Safety and the sheriff of the county to which the criminal sex offender intends to move or chief of police responsible for notifying residents who will be living in proximity to the criminal sex offender. Notwithstanding other provisions of law regarding establishment of residence, a criminal sex offender shall be deemed to have established a new residence during any period in which that criminal sex offender is domiciled for five consecutive days or more.

“(e) No criminal sex offender shall be allowed to establish a residence or accept employment within 1,000 feet of the property on which any public school, private or parochial school, licensed daycare center, or any other child care facility is located.

“(f) No criminal sex offender shall be allowed to establish a residence or any other living accommodation within 1,000 feet of the property on which any of his or her former victims, or the victims’ immediate family members reside nor shall the criminal sex offender be permitted to willfully or knowingly come within 100 feet of any of his or her former victims, except as elsewhere provided by law, or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim.

“(g) No criminal sex offender shall be allowed to establish a residence or any other living accommodation where a minor resides. Notwithstanding the foregoing, a criminal sex offender may reside with a minor if the criminal sex offender is the parent of the minor, unless one of the following conditions applies:

“(1) The criminal sex offender’s parental rights have been or are in the process of being terminated as provided by law.

“(2) Any minor or adult child of the criminal sex offender was a victim of a criminal sex offense committed by the criminal sex offender.

“(h) Changes to property within 1,000 feet of a criminal sex offender’s registered address which occur after a criminal sex offender establishes residency or accepts employment shall not form the basis for finding that a criminal sex offender is in violation of the residence restrictions of this article.

“(i) No criminal sex offender shall be allowed to change his or her name.

“(j) Any notice provided to the community pursuant to this article shall not contain the name or any other information identifying the victim.

“§15-20-23.

“If the last known address of a victim is in the State of Alabama, the responsible agency shall notify the Attorney General’s Office of Victim Assistance and they shall send a notice to the victim that the criminal sex offender will be released and the location at which the criminal sex offender intends to reside.

“§15-20-24.

“A criminal sex offender who knowingly fails to comply with any provision of this article, except Section 15-20-21(b)(1), shall have committed a Class C felony.”

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of this act or the application of such part to any person or circumstance is declared invalid or unconstitutional, that declaration shall not affect either the part which remains or the application of such parts to any person.

Section 5. This act shall become effective on the first day of the third month following the month of its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 1, 1998

Time: 8:35 A.M.

Act No. 98-490

H. 827 – Rep. Box

AN ACT

To define the crime of compelling streetgang membership; to prescribe the relationship between this act and other provisions of law when the same conduct is proscribed; and to provide for felony penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) For purposes of this act, the term "streetgang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar arrangement in law or in fact, of three or more persons that, through its membership or through the agency of any member, engages in a course or pattern of criminal activity.

(b) A person who expressly or by implication threatens to do bodily harm or does bodily harm to a person, a family member or a friend of the person, or any other person, or uses any other unlawful criminal means to solicit or cause any person to join or remain in a streetgang is guilty of the crime of compelling streetgang membership.

(c) The crime of compelling streetgang membership is a Class C felony.

(d) Notwithstanding subsection (b), the crime of compelling streetgang membership is a Class A felony if the defendant is over the age of 18 years and the other person is under the age of 18 years.

Section 2. This act shall not be construed to repeal other criminal laws. Whenever conduct proscribed by this act is also proscribed by any other provision of law, the provision which carries the more serious penalty shall apply.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 1, 1998

Time: 8:37 A.M.

Act No. 98-491

H. 923 – Rep. Layson

AN ACT

Relating to Pickens County; authorizing the judge of probate to levy an additional issuance fee on motor vehicle licenses; providing for the collection, distribution, and use of the proceeds of the fees for the financing, equipping, and construction of a county jail; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Pickens County.

Section 2. The Judge of Probate of Pickens County may, in addition to all other charges, costs, taxes, or fees levied on the issuance of all motor vehicle license plates of any nature, levy a fee of up to six dollars (\$6) per license plate.

Section 3. If the judge of probate imposes a fee authorized by this act, the authority shall be exercised in the following manner: A proposed resolution shall be advertised for two consecutive weeks in a newspaper of general circulation in Pickens County. The resolution shall then be introduced at a regularly scheduled meeting of the commission, and shall, without amendment, be approved at a subsequent regularly scheduled meeting. Should the advertised resolution require amendment, it may not be approved at the same scheduled meeting at which it is amended, but shall be proposed for enactment at a subsequent meeting.

Section 4. All funds received from the fees authorized by this act shall be placed in the county treasury for the financing, equipping, and construction of a county jail. On the first day of the month after the retirement of the debt to finance the construction of a new county jail, the fee shall expire and this act shall be repealed.

Section 5. Sections 1 to 4, inclusive, of this act shall become operative only if approved by a majority of the qualified electors of Pickens County who vote in an election to be held on the date of the first primary election in June 1998. The notice of the election shall be given by the judge of probate, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The election shall be held in conjunction with the first primary election scheduled state or local election to be held in the county in June 1998. The question shall be, "Do you favor the adoption of Act No.____, of the 1998 Regular Session of the Alabama Legislature, authorizing the adoption of an additional issuance fee on motor vehicle licenses? Yes () No ()." The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are "Yes," Sections 1 to 4, inclusive, of this act shall become operative immediately. If the majority of the votes are "No," this act shall be repealed and shall have no further effect. The Judge of Probate of Pickens County shall certify the results of the election to the Secretary of State.

Section 6. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 1, 1998

Time: 8:38 A.M.

Act No. 98-492

H. 57 – Rep. Curry

AN ACT

To amend Sections 15-23-3, 15-23-4, 15-23-12, and 15-23-15, Code of Alabama 1975, relating to the Alabama Crime Victims' Compensation Commission, and the Commission Fund; to further provide for the confidentiality of claimants, the per diem compensation of the commission, and the compensation awarded to individual victims and dependents of victims of violent crimes.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 15-23-3, 15-23-4, 15-23-12, and 15-23-15, Code of Alabama 1975, are amended to read as follows

“§15-23-3.

“As used in this article the following words shall include, but are not limited to the following meanings unless the context clearly requires a different meaning:

“(1) COMMISSION. The Alabama Crime Victims Compensation Commission as created by Section 15-23-4.

“(2) CRIMINALLY INJURIOUS CONDUCT. Criminally injurious conduct includes any of the following acts:

“a. An act occurring or attempted within the geographical boundaries of this state which results in serious personal injury or death to a victim for which punishment by fine, imprisonment, or death may be imposed.

“b. An act occurring or attempted outside the geographical boundaries of this state in another state of the United States of America which is punishable by fine, imprisonment, or death and which results in personal injury or death to a citizen of this state, and shall include an act of terrorism, as defined in Section 2331 of Title 18, United States Code. committed outside of the United States, against a resident of this state; provided however, the citizen at the time such act was committed had a permanent place of residence within the geographical boundaries of this state, and in addition thereto any of the following circumstances apply, that the citizen:

“1. Had a permanent place of employment located within the geographical boundaries of this state.

“2. Was a member of the regular armed forces of the United States of America; or the United States Coast Guard; or was a full-time member of the Alabama National Guard, Alabama Air

National Guard, U.S. Army Reserve, U.S. Naval Reserve, U.S. Air Force Reserve

"3. Was retired and receiving social security or other retirement income

"4. Was 60 years of age or older

"5. Was temporarily in another state of the United States of America for the purpose of receiving medical treatment

"6. Was temporarily in another state of the United States of America for the purpose of performing employment-related duties required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits

"7. Was temporarily in another state of the United States of America for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits

"8. Was a full-time student at an academic institution, college, or university located in another state of the United States of America.

"9. Had not departed the geographical boundaries of this state for a period exceeding 30 days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state. "The term "criminally injurious conduct" shall not mean: an act committed outside the geographical boundaries of this state upon a person who was not at the time a citizen of Alabama, or an act committed outside the geographical boundaries of this state upon a person who at the time had departed the geographical boundaries of this state for the purpose of becoming a citizen of, or establishing a permanent place of residence in, another state.

"(3) VICTIM. A person who suffered serious personal injury or death as a result of criminally injurious conduct.

"(4) DEPENDENT. A natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct.

"(5) CLAIMANT. Any of the following persons applying for compensation under this article:

"a. A victim

"b. A dependent of a deceased victim, if such victim died as a result of criminally injurious conduct.

"c. A person authorized to act on behalf of a victim or a dependent of a deceased victim if such victim died as a result of criminally injurious conduct.

"(6) ALLOWANCE EXPENSE. Charges incurred for needed products, services, and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational rehabilitation, rehabilitative occupational training, and other remedial treatment and care. It also includes a total charge not in excess of five thousand dollars (\$5,000) for expenses related to funeral, cremation, or burial.

"(7) WORK LOSS. Loss of income from work the victim or claimant would have performed if the victim had not been injured or died, reduced by any income from substitute work actually performed by the victim or claimant or by income the victim or claimant would have earned in available appropriate substitute work which he or she was capable of performing but unreasonably failed to undertake.

"(8) REPLACEMENT SERVICES LOSS. Expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of self or family, if the victim had not been injured or died.

"(9) ECONOMIC LOSS OF A DEPENDENT. A loss after the death or injury of the victim of contributions of things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury, less expenses of the dependent avoided by reason of death or injury of the victim.

"(10) REPLACEMENT SERVICES LOSS OF DEPENDENT. The loss reasonably incurred by dependents after death of the victim in obtaining ordinary and necessary services in lieu of those the deceased victim would have performed for their benefit had the deceased victim not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim and not subtracted in calculating the economic loss of the dependent.

"(11) ECONOMIC LOSS. Monetary detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, economic loss and replacement services loss of a dependent, but shall not include noneconomic loss or noneconomic detriment.

“(12) NONECONOMIC LOSS or DETRIMENT. Pain, suffering, inconvenience, physical impairment, and nonpecuniary damage.

“(13) COLLATERAL SOURCE. Source of income, financial or other benefits or advantages for economic loss other than the compensation paid by the compensation commission which the claimant has received or is entitled to receive or is readily available to the claimant, from any one or more of the following:

“a. The offender.

“b. The government of the United States or any agency thereof, in the form of benefits, such as social security, medicare and medicaid, a state or any of its political subdivisions or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to benefits under this article.

“c. Any temporary nonoccupational disability insurance.

“d. Worker’s compensation.

“e. Wage continuation programs of any employer.

“f. Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct.

“g. A contract providing prepaid hospital and other health care services or benefits for disability.

“(14) OFFICE OF PROSECUTION SERVICES. The Office of Prosecution Services as established by Section 12-17-230.

“§15-23-4.

“(a) There is hereby created the Alabama Crime Victims Compensation Commission, which shall be composed of three citizens of the State of Alabama, who shall be appointed by the Governor with the advice and consent of the Senate, for terms of four years each or until their successors are appointed and qualified. Provided however, initial appointments shall be as follows: one member shall be appointed for two years, one member shall be appointed for three years and one member shall be appointed for four years. All appointments to fill vacancies shall be for the duration of the unexpired term and subsequent appointments shall be for four-year terms.

“(b) At least one member shall be a law enforcement officer with a minimum of 10 years experience in or with a law enforcement agency which has among its primary duties and responsibilities the investigation of violent crimes and the apprehension or arrest of the perpetrators thereof.

“(c) At least one member shall be a victim of a crime of violence who suffered serious personal injury as a result thereof, or a member of such victim’s immediate family or a member of a deceased victim’s immediate family if such deceased victim died as a result of a crime of violence, or an officer of a nonprofit, charitable crime victims organization established pursuant to the laws of Alabama.

“(d) Each year the commission shall elect a chairman from its membership.

“(e) The commission may appoint an executive director who shall serve at the pleasure of the commission and shall be paid a salary in an amount to be determined by the commission.

“(f) The commission shall have its principal place of business in the county wherein the State Capitol is located.

“(g) The commission shall hold at its principal place of business regular monthly public meetings on the second Thursday of each month and other meetings at such times and places as its members may elect.

“(h) Any two members of the commission shall constitute a quorum for purposes of transacting the business of the commission and two votes in favor shall be necessary for a decision by the commission at any meeting of the commission.

“(i) From time to time the commission shall establish rules and regulations for the administration of its duties and responsibilities pursuant to this chapter.

“(j) The chairman of the commission shall keep a true record of all of the proceedings of the meetings of the commission. At the call of any member the vote on any pending question shall be taken by ayes and nays, and the same shall be entered in such record, the record of the proceedings of the commission shall be open to any member of the commission and to the public at all times and a copy of such record, certified by the chairman, shall be competent evidence in all courts.

The commission shall decline to disclose the names and addresses of victims or claimants who have applied for compensation pursuant to this article or the facts or circumstances of the criminally injurious conduct perpetrated against them.

“(k) All members and employees of the commission handling money or exercising authority over any property shall, before entering the discharge of their duties, give bond with a surety company authorized to do business in the State of Alabama, as surety, payable to the commission in an amount or amounts sufficient to

protect the commission against any loss with respect to the funds, money or property handled, conditioned for the faithful discharge of their duties and responsibilities and further conditioned upon their faithfully accounting for all moneys, funds or properties coming into their possession in the capacity of their employment.

“(l) The Attorney General or the district attorney of the county wherein the State Capitol is located shall, upon written request by the commission represent the commission in all litigation to which the commission is a party or in which the commission has an interest. The Attorney General shall serve as a legal advisor to the commission.

“(m) All commission members shall be paid seventy-five dollars (\$75) per day and mileage for attendance of commission meetings. Mileage and per diem shall be the same as allowed state employees when a commission member is traveling on official business of the commission and shall be paid from the Alabama Crime Victims Compensation Fund.

“§15-23-12.

“(a) Compensation shall not be awarded in any of the following circumstances:

“(1) A claim has been filed with the commission later than one year after the injury or death upon which the claim is based, unless the commission finds there was good cause for the failure to file within that time.

“(2) To a claimant who was the offender, or an accomplice of the offender, or who encouraged or in any way participated in the criminally injurious conduct.

“(3) If the award would unjustly benefit the offender or accomplice of the offender.

“(4) The criminally injurious conduct resulting in injury or death was reported to a law enforcement officer later than 72 hours after its occurrence, unless the commission finds there was good cause for the failure to report within that time.

“(b) Compensation otherwise payable to a claimant may be diminished or denied to the extent

that the economic loss is recouped from collateral sources; or to the extent that

“the degree of responsibility for the cause of the injury or death is attributable to the victim as determined by the commission.

“(c) The commission, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw, or reduce an award of compensation.

"(d) The commission, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a commission decision for the purpose of judicial review.

"§15-23-15.

"(a) Compensation for work loss, replacement services loss, dependent's economic loss' and dependent's replacement service loss may not exceed four hundred dollars (\$400) per week.

"(b) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed fifteen thousand dollars (\$15,000) in the aggregate.

"(c) The commission may provide for the payment to a claimant in a lump sum or in installments. At the request of the claimant, the commission may convert future economic loss, other than allowable expense, to a lump sum, but only upon a finding by the commission of either of the following:

"(1) That the award in a lump sum will promote the interests of the claimant; or

"(2) That the present value of all future economic loss, other than allowable expense, does not exceed five thousand dollars (\$5,000).

"(d) An award payable in installments for future economic loss may be made only for a period as to which the commission can reasonably determine future economic loss. An award payable in installments for future economic loss may be modified by the commission upon its findings that a material and substantial change of circumstances has occurred.

"(e) An award shall not be subject to state or municipal taxation or to execution, attachment, or garnishment, except as the same may pertain to an obligation for the support of dependent children or as the same may pertain to a creditor which has provided products, services, or accommodations, the costs of which are included in the award.

"(f) An assignment by the claimant to any future award under the provisions of this article is unenforceable, except any of the following assignments:

"(1) An assignment of any award for work loss to assure payment of court-ordered child support.

“(2) An assignment of any award for an allowable expense to the extent that the benefits are for the cost of products, services, or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall become operative on the first day of the third month following its enactment.

Approved May 1, 1998

Time: 8:39 A.M.

Act No. 98-493

H. 725 – Rep. Johnson (R)

AN ACT

To require compliance with regulations adopted under the United States Motor Carrier Safety Act of 1984; to provide for penalties; and to repeal Section 22-30-15.1 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever used in this act, unless a different meaning clearly appears in the context, the following terms shall be given the following respective meanings:

(1) **COMMERCE.** a. Any trade, traffic, or transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside of the United States.

b. For the purpose of this act, commerce also includes any trade, traffic, or transportation beginning and ending within the boundaries of this state.

(2) **COMMERCIAL MOTOR VEHICLE.** Any self-propelled or towed vehicle used on the highways in commerce to transport passengers or property if the vehicle meets any of the following:

a. It has a gross weight rating or gross combination weight of more than 10,000 pounds, whether operated interstate or intrastate.

b. It is designed to transport more than 15 passengers, including the driver, regardless of weight.

c. It is used to transport hazardous materials in a quantity requiring placards under regulation of the U.S. Department of Transportation.

(3) **DEPARTMENT.** The Alabama Department of Public Safety.

(4) **DIRECTOR.** The Director of the Alabama Department of Public Safety.

Section 2. No person may operate a commercial motor vehicle in this state, or fail to maintain required records or reports, in violation of the Federal Motor Carrier Safety Regulations as prescribed by the U.S. Department of Transportation, 49 C.F.R. Part 107, Parts 171-180, Parts 382-384, and Parts 390-399 and as they may be amended in the future. Except as otherwise provided herein, this act shall not be construed to repeal or supersede other laws relating to the operation of motor vehicles.

No law enforcement officer may make an arrest or issue a citation under this act unless he or she has satisfactorily completed, as a part of his or her training, the basic course of instruction developed by the Commercial Vehicle Safety Alliance. Those law enforcement officers authorized to enforce this act shall annually receive in-service training related to commercial motor vehicle operations, including, but not limited to, training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The annual training requirements shall be designated and specified by the director.

Section 3. Any records required to be maintained by operators of commercial motor vehicles pursuant to state or federal laws or regulations shall be open to inspection during the normal business hours of a carrier by members designated by the director. The inspection may be made without a warrant. Members of the department designated by the director may also go on the property of an operator of a commercial motor vehicle to conduct inspections of facilities and records to ensure compliance with applicable state and federal laws and regulations governing commercial motor vehicle operations.

The director may promulgate reasonable rules and regulations relating to this act subject to the Alabama Administrative Procedure Act.

Section 4. Any person violating this act shall be guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars (\$25) nor more than two thousand dollars (\$2,000) for each offense. In addition, the court may impose a sentence of imprisonment in the county jail, not to exceed 30 days, for each offense. In addition to other punishment fixed by law, the court may enter an order prohibiting the person from operating any commercial motor vehicle for a period to be specified by the court, or perpetually, as the court may determine.

Section 5. This act is remedial and should be liberally construed to promote the public health, public safety, and general welfare. To the extent this act directly conflicts with other state laws governing the operation of motor vehicles, this act prevails. Where this act is silent and not in direct conflict with other laws, the general laws governing the operation of motor vehicles shall continue in force and effect. Section 22-30-15.1 of the Code of Alabama 1975 is specifically repealed.

Section 6. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 1, 1998

Time: 8:40 A.M.

Act No. 98-494

H. 432 – Rep. Turner

AN ACT

To amend Section 13A-7-29, Code of Alabama 1975, as amended by Act 97-712 of the 1997 Regular Session, relating to the offense of criminal littering, to increase the minimum fine upon first conviction from \$100 to \$500 and to increase the minimum fine upon second and subsequent convictions to \$500.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13A-7-29, Code of Alabama 1975, as amended by Act 97-712 of the 1997 Regular Session, is amended to read as follows:

“§13A-7-29.

“(a) A person commits the crime of criminal littering if he or she engages in any of the following acts:

“(1) Knowingly deposits in any manner litter of any public or private property or in any public or private waters, having no permission to do so. For purposes of this subdivision, items found in an accumulation of garbage, trash, or other discarded material including, but not limited to, bank statements, utility bills, bank card bills, and other financial documents, clearly bearing the name of a person shall constitute a rebuttable presumption that the person whose name appears thereon knowingly deposited the litter. Advertising, marketing, and campaign materials and literature shall not be sufficient to constitute a rebuttable presumption of criminal littering under this subsection.

“(2) Negligently deposits in any manner glass or other dangerously pointed or edged objects on or adjacent to water to which the

public has lawful access for bathing, swimming, or fishing, or on or upon a public highway, or within the right of way thereof.

“(3) Discharges sewage, oil products, or litter from a watercraft vessel of more than 25 feet in length into a river, inland lake, or stream within the state or within three miles of the shoreline of the state.

“(4) a. Drops or permits to be dropped or thrown upon any highway any destructive or injurious material and does not immediately remove the same or cause it to be removed; or

“b. Removes a wrecked or damaged vehicle from a highway and does not remove glass or other injurious substance dropped upon the highway from such vehicle.

“(b) “Litter” means rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris, or any foreign substance of whatever kind and description, and whether or not it is of value.

“(c) It is no defense under subsections (a) (3) and (a) (4) that the actor did not intend, or was unaware of, the act charge.

“(d) Criminal littering is a Class C misdemeanor. The minimum fine for the first conviction shall be two hundred fifty dollars (\$250), and the fine for the second and any subsequent conviction shall be five hundred dollars (\$500) for each conviction.

“(e) The fine from such conviction shall be awarded and distributed by the court to the municipal, and/or county, and/or State General Fund, following a determination by the court of whose law enforcement agencies or departments have been a participant in the arrest resulting in the fine. Such award and distribution shall be made on the basis of the percentage as determined by the court, which the respective agency or department contributed to the police work resulting in the arrest, and shall be spent by the governing body on law enforcement purposes only.

“(f) No action for criminal littering based on evidence that creates a rebuttable presumption under subsection (a) (1) shall be brought against a person by or on behalf of a county or municipal governing body unless he or she has been given written notice by a designee of the governing body that items found in an accumulation of garbage, trash, or other discarded materials contain his or her name, and that, under subsection (a) (1), there is a rebuttable presumption that he or she knowingly deposited the litter. The notice shall advise the person that criminal littering is a Class C misdemeanor, and shall provide that, unless the person can present satisfactory information or evidence to rebut the presumption to the

designee of the governing body within fifteen (15) days from the date of the notice, an action for criminal littering may be filed against him or her in the appropriate court. If the person responds to the notice and presents information or evidence to the designee of the governing body, the designee shall review the information or evidence presented and make a determination as to whether or not an action should be brought against the person for criminal littering. The designee shall provide written notice to the person of its determination, and if the intent is to proceed with an action for criminal littering, the notice shall be sent before any action is filed."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 1, 1998

Time: 8:41 A.M.

Act No. 98-495

H. 592 – Rep. Knight (A)

AN ACT

To authorize the Board of Optometry to issue a special purpose license to practice optometry across state lines; to provide for the terms, conditions, and renewal of the license; to provide for exemptions of licensing requirements; to provide for reciprocity; to authorize the board to adopt rules and regulations concerning the purposes of this act; to make it a crime for violations regarding licensing; and to provide for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature hereby finds and declares that, because of technological advances and changing practice patterns, the practice of optometry is occurring with increasing frequency across state lines and certain technological advances in the practice of optometry are in the public interest. The Legislature further finds and declares that the practice of optometry is a privilege and that the licensure by this state of practitioners located outside this state engaging in such optometric practice within this state and the ability to discipline such practitioners is necessary for the protection of the citizens of this state and for the public interest, health, welfare, and safety.

Section 2. (a) The practice of optometry across state lines means the practice of optometry as defined in Section 34-22-1(4), Code of Alabama 1975, as it applies to:

(1) The rendering of a written or otherwise documented professional opinion concerning the diagnosis or treatment of a

patient located within this state by an optometrist located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such optometrist or his or her agent.

(2) The rendering of treatment to a patient located within this state by an optometrist located outside this state as a result of transmission of individual patient data by electronic or other means from this state to such optometrist or his or her agent.

(3) This definition is not intended to include an informal consultation between a licensed optometrist located in this state and an optometrist located outside this state provided that the consultation is conducted without compensation or the expectation of compensation to either optometrist and does not result in the formal rendering of a written or otherwise documented professional opinion concerning the diagnosis or treatment of a patient by the optometrist located outside the state.

(b) Board means the Alabama Board of Optometry created pursuant to Section 34-22-40, Code of Alabama 1975.

Section 3. (a) No person shall engage in the practice of optometry across state lines in this state, hold himself or herself out as qualified to practice optometry, or use any title, word, or abbreviation to indicate or induce others to believe that he or she is licensed in this state to practice optometry across state lines unless he or she has been issued a special purpose license to practice optometry across state lines in accordance with the provisions of this act; provided however, that no person who holds a full, unrestricted and current license issued pursuant to Sections 34-22-1 to 34-22-43, inclusive, Code of Alabama 1975, shall be required to obtain a special purpose license to practice optometry across state lines.

(b) An individual shall submit an application for a certificate of qualification for a special purpose license to practice optometry across state lines on a form provided by the board and shall remit an application fee in an amount established by the board. The Alabama Board of Optometry shall issue a special purpose license to practice optometry across state lines upon presentation by an applicant of a certificate of qualification issued by the Alabama Board of Optometry in accordance with this section. The authority of the board to issue, revoke, or suspend the special purpose license to practice optometry across state lines shall be the same as the general authority granted to the board under Sections 34-22-5 to 34-22-43, inclusive, Code of Alabama 1975. The Alabama Board of Optometry shall issue a certificate of qualification certifying an applicant for a special purpose license to practice

optometry across state lines who has met the following requirements:

(1) The applicant holds a full and unrestricted license to practice optometry in any and all states of the United States or in territories in which the individual is licensed.

(2) The applicant has not had any disciplinary action or other action taken against the applicant by any state or licensing jurisdiction.

(3) In the event of previous disciplinary or other action against the applicant, the board may issue a certificate of qualification if it finds that the previous disciplinary or other action does not indicate that the optometrist is a potential threat to the public.

(c) A special purpose license issued by the board to practice optometry across state lines limits the licensee solely to the practice of optometry across state lines as defined herein. The special purpose license is valid for a period of three years, shall expire on a renewal date established by the board in the third calendar year after its issuance, and may be renewed upon receipt of a renewal fee as established by the board. Failure to renew a license according to the renewal schedule established by the board shall result in the automatic revocation of the special purpose license to practice optometry across state lines. An applicant may reapply following automatic revocation for failure to renew.

Section 4. (a) The issuance by the board of a special purpose license to practice optometry across state lines subjects the licensee to the jurisdiction of the board in all matters set forth in Sections 34-22-1 to 34-22-43, inclusive, Code of Alabama 1975, and implementing rules and regulations of the board, including all matters related to discipline. It shall be the affirmative duty of every licensee to report to the Alabama Board of Optometry in writing within 15 days of the initiation of any disciplinary action against the licensee to practice optometry by any state or territory in which the licensee is licensed. In addition, the licensee agrees, by acceptance of the license, to produce patient records or materials as requested by the board or to appear before the board or any of its committees following receipt of a written notice issued by the board. Such notice may be issued by the board pursuant to Section 34-22-1 to 34-22-43, inclusive, Code of Alabama 1975.

(b) The Alabama Board of Optometry is hereby authorized to temporarily suspend a special purpose license to practice optometry across state lines without a hearing on either of the following grounds:

(1) The failure of the licensee to appear or produce records or materials as requested by the board.

(2) The initiation of a disciplinary action against the licensee by any state or territorial licensing jurisdiction in which the licensee holds a license to practice optometry.

(c) Notwithstanding any other provision of law, including the Alabama Administrative Procedure Act, the temporary suspension provided herein shall remain in effect until either the licensee has complied with the request of the board or the disciplinary action pending against the licensee has been terminated in favor of the licensee and the temporary suspension is terminated by a written order of the Alabama Board of Optometry. A special purpose license to practice optometry across state lines is subject to each of the grounds for disciplinary action provided in Section 34-22-6, Code of Alabama 1975, in accordance with the procedures of Section 34-22-8, Code of Alabama 1975, and the Alabama Administrative Procedure Act.

Section 5. Any licensee licensed pursuant to this act shall comply with all laws, rules, and regulations governing the maintenance of patient records, including patient confidentiality requirements, regardless of the state where the records of any patient within this state are maintained.

Section 6. (a) An optometrist who engages in the practice of optometry across state lines in an emergency, as defined by the board, is not subject to this act.

(b) An optometrist who engages in the practice of optometry across state lines on an irregular or infrequent basis is not subject to this act. The "irregular or infrequent" practice of optometry across state lines is considered to occur if the practice occurs less than 10 times in a calendar year or involves fewer than 10 patients in a calendar year, or comprises less than one percent of the optometrist's diagnostic or therapeutic practice.

Section 7. (a) Any person who violates this act is subject to criminal prosecution for the unlicensed practice of optometry under Section 34-22-6, Code of Alabama 1975, or other action authorized in this state to prohibit or penalize continued practice without a license under Section 34-22-8, Code of Alabama 1975.

(b) Nothing in this act shall be interpreted to limit or restrict the board's authority to discipline any optometrist licensed to practice in this state who violates Sections 34-22-6 to 34-22-8, inclusive, Code of Alabama 1975, while engaging in the practice of optometry within this or any other state.

Section 8. Notwithstanding any provision of this act, the board shall only issue a special purpose license to practice optometry across state lines to an applicant whose principal practice location and license to practice is located in a state or territory of the United States whose laws permit or allow for the issuance of a special purpose

license to practice optometry across state lines or similar license to an optometrist whose principal practice location and license is located in another state. It is the stated intent of this act that optometrists who hold a full and current license in the State of Alabama be afforded the opportunity to obtain, on a reciprocal basis, a license to practice optometry across state lines in any state or territory of the United States as a precondition to the issuance of a special purpose license as authorized by this act to an optometrist licensed in such state or territory. The Alabama Board of Optometry shall determine which states or territories have reciprocal licensure requirements meeting the qualifications of this section.

Section 9. The Alabama Board of Optometry is vested with authority to adopt and promulgate rules and regulations to effect the purposes of this act.

Section 10. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 1, 1998

Time: 8:42 A.M.

Act No. 98-496

S. 228 – Senator Freeman

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1999.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1998-99 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies and that the following definitions shall be applicable.

“Appropriation Total” shall mean the aggregate total of all fund sources.

“Program” shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting

the need of an identified clientele, or group of recipients or beneficiaries, and shall be expended only for such purposes.

“Capital Outlay” shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

“Debt Service” shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

“Federal and Local Funds” shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1999, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	General Fund	Earmarked Funds	Appropriation Total
2A. LEGISLATIVE BRANCH:			
1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program.....			11,281,280
SOURCE OF FUNDS:			
(1) State General Fund.....	10,581,280		
(2) Federal and Local Funds...		700,000	
Total Examiners of Public Accounts, Department of	10,581,280	700,000	11,281,280
The Department of Examiners of Public Accounts is			

hereby authorized to examine as deemed necessary all appropriations herein made for compliance with the laws of the State of Alabama. Any examination performed shall be in accordance with the provisions of Title 41, Chapter 5, Code of Alabama 1975.

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program	365,582
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SOURCE OF FUNDS:

(1) State General Fund.....	365 582	
Total Law Institute, Alabama	365,582	365,582

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program	292,055
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SOURCE OF FUNDS:

(1) State General Fund.....	292,055	
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.		
Total Legislative Council	292,055	292,055

4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program	1,327,683
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SOURCE OF FUNDS:

(1) State General Fund.....	1,327,683	
Total Legislative Fiscal Office ...	1,327,683	1,327,683

5. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program	2,046,042
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SOURCE OF FUNDS:

(1) State General Fund.....	2,046,042	
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Total Legislative Reference Service.....	2,046,042	2,046,042
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6. LEGISLATURE:

(a) Legislative Operations and Support Program		15,218,090
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The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975. It is the intent of the Legislature that (1) at least \$35,000 shall be allocated for each of the following committees: Senate Finance and Taxation-Education Committee, the Office of the Senate Pro Tempore, the Senate Committee on Economic Expansion and Trade, the Senate Rules Committee, the House Ways and Means Committee, the Office of the House Pro Tempore, and the House Rules Committee; (2) an amount not to exceed \$50,000 shall be allocated to the Office of the Speaker of the House of Representatives; (3) \$25,000 shall be allocated to the Senate Floor Leader's Office; \$25,000 shall be allocated to the House Judiciary Committee; \$25,000 shall be allocated to the Senate Judiciary Committee; (4) an amount not to exceed \$50,000 shall be allocated to the Office of Presiding Officer of the Senate; and (5) \$7,000 shall be allocated to the Permanent Municipal Government Committee as required by Sections 29-2-60 through

29-2-62, Code of Alabama
1975.

SOURCE OF FUNDS:

(1) State General Fund.....	15,218,090	
Total Legislature	15,218,090	15,218,090

**7. OFFICE OF THE SPEAKER
OF THE HOUSE OF REPRESENTATIVES:**

(a) Legislative Operations and Support Program		627,000
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In accordance with Act 97-658.

SOURCE OF FUNDS:

(1) State General Fund	627,000	
Total Office of the Speaker of the House of Representatives ..	627,000	627,000

2B. JUDICIAL BRANCH:

**1. COURT OF CIVIL AP-
PEALS:**

(a) Court Operations Program ..		2,911,373
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SOURCE OF FUNDS:

(1) State General Fund.....	2,911,373	
Total Court of Civil Appeals...	2,911,373	2,911,373

**2. COURT OF CRIMINAL
APPEALS:**

(a) Court Operations Program..		3,006,922
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SOURCE OF FUNDS:

(1) State General Fund.....	3,006,922	
Total Court of Criminal Ap- peals	3,006,922	3,006,922

**3. JUDICIAL INQUIRY COM-
MISSION:**

(a) Administrative Services Program		229,391
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SOURCE OF FUNDS:

(1) State General Fund	229,391	
Total Judicial Inquiry Com- mission	229,391	229,391

4. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program.....	867,000
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SOURCE OF FUNDS:

(1) State General Fund	867,000	
Total Judicial Retirement Fund	867,000	867,000

5. SUPREME COURT:

(a) Court Operations Program	6,510,869
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SOURCE OF FUNDS:

(1) State General Fund	6,510,869	
Total Supreme Court	6,510,869	6,510,869

Of the above appropriation to the Supreme Court, the sum of \$125,000 shall be used to fund the Alabama Supreme Court Commission on Dispute Resolution.

6. SUPREME COURT LIBRARY:

(a) Court Operations-Library Service Program.....	1,628,063
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SOURCE OF FUNDS:

(1) State General Fund.....	1,628,063	
Total Supreme Court Library..	1,628,063	1,628,063

7. UNIFIED JUDICIAL SYSTEM:

(a) Court Operations Program..	92,314,780
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Of the above appropriation, \$50,000 shall be allocated for the Court Volunteers Program.

(b) Administrative Services Program	3,359,565
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(c) DUI Referral Program.....	64,355
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(d) Fringe Benefit Program, Estimated.....	545,000
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(e) Court Equipment and Court Security Program	921,704
(f) Judicial Building Operations Program	3,981,711

SOURCE OF FUNDS:

(1) State General Fund.....	94,875,502	
(2) State General Fund Transfer-Juvenile Justice Coordinating Council.....	20,000	
In accordance with Section 12-15-131, Code of Alabama 1975.		
(3) State General Fund-Social Security-County Judicial, Estimated	545,000	
(4) Court Automation Fund...		1,800,000
In accordance with Section 12-19-180, Code of Alabama 1975.		
(5) Court Referral Officer Fund		2,713,815
In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975.		
(6) Federal Funds		1,205,707
(7) Juvenile Justice Coordinating Council Fund.....		27,091

The above appropriation shall be allocated to Children's Hospital to conduct a pilot juvenile intervention program which shall receive referrals from the courts.

Total Unified Judicial System...	95,440,502	5,746,613	101,187,115
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2C. EXECUTIVE BRANCH:

1. ACADEMY OF HONOR:

(a) Historical Resources Management Program.....	5,000
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SOURCE OF FUNDS:

(1) State General Fund.....	5,000
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As provided in Section 41-11-6,
Code of Alabama 1975, and
an additional amount.

Total Academy of Honor	5,000	5,000
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2. ACCOUNTANCY, ALA- BAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupa- tional Licensing and Regu- lation Program	632,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund.....	632,000
--	---------

As provided in Section 34-1-22,
Code of Alabama 1975. In
addition to the amounts
appropriated hereinabove to
the State Board of Public
Accountancy, there is hereby
appropriated such an amount
as may be necessary to pay
the refund of any application
for license which may have
been rejected by the Board or
withdrawn by request of ap-
plicant.

Total Accountancy, Alabama State Board of Public.....	632,000	632,000
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program..	841,420
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SOURCE OF FUNDS:

(1) State General Fund, Esti- mated.....	833,020
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For expenditures as provided in
Sections 31-3-2 and 36-30-2,
Code of Alabama 1975, and
for payment of claims against
voided warrants.

(2) State General Fund- Administrative Costs.....	8,400
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As provided by Section 41-9-73,
Code of Alabama 1975.

Total Adjustment, Board of....	841,420	841,420
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4. AERONAUTICS, DEPARTMENT OF:

(a) Aeronautical Administration Program.....	695,029
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(b) Airport Improvement Program, Estimated.....	425,000
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To be used only as grants awarded by the Alabama Aeronautics Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautical facilities in the State of Alabama. Of the above appropriation, \$50,000 shall be expended for runway repairs.

SOURCE OF FUNDS:

(1) State General Fund.....	50,000	
(2) State General Fund-Civil Air Patrol Program.....	75,000	
(3) Airports Development Fund-Aviation Fuel Tax.....		930,029

As provided by Section 4-2-42,
Code of Alabama 1975.

(4) Airports Development Fund-Federal Funds.....	65,000
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Total Aeronautics, Department of	125,000	995,029	1,120,029
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program.....	18,880,202
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Of the above appropriation, \$50,000 shall be allocated to the Walker County Senior Citizens Center and \$10,000

shall be allocated for the Silver-Haired Legislature.

(b) Economic Assistance Program	13,767,782
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SOURCE OF FUNDS:

(1) State General Fund.....	1,837,456	
(2) State General Fund-Medicaid Waiver	3,356,673	
(3) Federal and Local Funds .	27,453,855	
Total Aging, Commission on	5,194,129	32,647,984

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the state's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program	2,201,413
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	2,126,413		
(2) Alabama Agricultural and Conservation Development Commission Revolving Fund..		75,000	
As provided in Section 9-8A-4.1, Code of Alabama 1975.			
Total Agricultural and Conservation Development Commission	2,126,413	75,000	2,201,413

7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION:

(a) Agricultural Development Services Program.....			35,050
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SOURCE OF FUNDS:

(1) State General Fund.....	35,050		
Total Agricultural and Industrial Exhibit Commission	35,050		35,050

8. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program.....			1,260,755
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SOURCE OF FUNDS:

(1) State General Fund.....	164,963		
For expenses and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975, and other livestock shows and exhibits and other activities.			
(2) State General Fund-Livestock Coliseum.....	279,146		
(3) State General Fund-Operations.....	394,646		
(4) Livestock Coliseum Fund ..		422,000	
Total Agricultural Center Board	838,755	422,000	1,260,755

9. AGRICULTURAL MUSEUM
BOARD:

(a) Agricultural Promotional Program.....	135,000
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SOURCE OF FUNDS:

(1) State General Fund.....	135,000	
Total Agricultural Museum Board.....	135,000	135,000

It is the intent of the Legisla-
ture that the appropriation
made hereinabove to the
Alabama Agricultural Mu-
seum Board may be used for
Capital Outlay purposes by
the Board.

10. AGRICULTURE AND
INDUSTRIES, DEPART-
MENT OF:

(a) Administrative Services Program	2,965,992
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Of the above appropriation,
\$125,000 shall be transferred
to the Alabama Aquaculture
Center in Gadsden; \$150,000
shall be expended by the
State Climatologist; \$50,000
shall be expended for the
Blount/Oneonta Agriculture
Center; and \$25,000 shall be
expended for the Fayette
County Agriculture Center.
Of the above appropriation,
\$100,000 shall be transferred
to the Autauga County Agri-
cultural Complex.

(b) Agricultural Inspection Services Program.....	14,427,771
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Of the above appropriation,
\$2,100,000 shall be allo-
cated to the Boll Weevil
Eradication Program and
\$100,000 shall be allocated
for fire ant eradication/
research at the Department

of Entomology at Auburn University. In addition to the above appropriation for the Boll Weevil Eradication Program, there is hereby appropriated \$500,000 from the State General Fund to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

(c) Laboratory Analysis and Disease Control Program	4,213,924
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Of the above appropriation it is the intent of the Legislature that at least \$225,000 shall be utilized for the diagnostic laboratory in Hanceville, Alabama; and \$25,000 shall be allocated to Snead State Community College for a diagnostic laboratory.

(d) Animal Damage Control Program	150,000
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(e) Small Farm Program.....	37,500
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(f) Agricultural Development Services Program	1,516,996
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SOURCE OF FUNDS:

(1) State General Fund	11,423,183
(2) Agricultural Fund.....	5,177,520
(3) Egg Inspection Fund	22,000
(4) Federal and Local Funds ..	2,222,480
(5) Shipping Point Inspection Fund	4,467,000

Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975.

Total Agriculture and Industries, Department of	11,423,183	11,889,000	23,312,183
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11. AIRPORT AUTHORITY,
ALABAMA INTERNATIONAL:

(a) Airport Development and Aeronautical Support Pro- gram	70,000
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SOURCE OF FUNDS:

(1) State General Fund	70,000	
Total Airport Authority, Ala- bama International.....	70,000	70,000

12. ALABAMA TRUST FUND
BOARD:

(a) Administrative Program	25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
Total Alabama Trust Fund Board	25,000	25,000

13. ALCOHOLIC BEVER-
AGE CONTROL BOARD,
ALABAMA:

(a) Product Management Program	30,771,856
(b) Enforcement Program	8,641,313
(c) Administrative Services Program.....	8,881,831
(d) Tobacco Regulation Pro- gram	200,000

SOURCE OF FUNDS:

(1) State General Fund-Tobacco Regulation Program	200,000		
(2) ABC Board Fund	48,295,000		
Total Alcoholic Beverage Con- trol Board, Alabama	200,000	48,295,000	48,495,000

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State General Fund of \$10,205,000. The above transfer shall be made from the operating funds of

the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages. In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the state shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar

size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

14. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program	256,000
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SOURCE OF FUNDS:

(1) Fund for the Board for Registration of Architects	256,000
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As provided in Section 34-2-41, Code of Alabama 1975.

Total Architects, Board for Registration of.....	256,000	256,000
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15. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Resources Management Program.....	2,975,809
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Of the above appropriation, \$120,000 shall be used to operate the Records Retention Program and a sufficient amount for the restoration of artifacts for a historical flag display.

SOURCE OF FUNDS:

(1) State General Fund.....	2,859,809
(2) Archives Historical Collections Fund	1,000

In accordance with Section
41-6-71, Code of Alabama
1975.

(3) Archives Services Fund.... 115,000

In accordance with Section
41-6-76, Code of Alabama
1975.

Total Archives and History,
Department of.....

2,859,809 116,000 2,975,809

**16. ATHLETE AGENT REG-
ULATORY COMMISSION:**

(a) Professional and Occupa-
tional Licensing and Regu-
lation Program

25,000

SOURCE OF FUNDS:

(1) Athlete Agent Regulatory
Commission Fund

25,000

As provided in Section 8-26-17,
Code of Alabama 1975.

Total Athlete Agent Regula-
tory Commission

25,000 25,000

**17. ATHLETIC TRAINERS,
ALABAMA BOARD OF:**

(a) Professional and Occupa-
tional Licensing and Regu-
lation Program

35,000

SOURCE OF FUNDS:

(1) Alabama Athletic Trainers
Fund

35,000

As provided in Section 34-40-14,
Code of Alabama 1975.

Total Athletic Trainers, Ala-
bama Board of

35,000 35,000

**18. ATTORNEY GENERAL,
OFFICE OF THE:**

(a) Legal Advice and Legal
Services Program

10,826,746

(b) Fair Marketing Practices
Program

668,970

SOURCE OF FUNDS:

(1) State General Fund..... 7,803,373

(2) State General Fund- Consumer Protection.....	668,970		
(3) State General Fund- Consumer Utility Rate Hearing.....	250,000		
(4) Federal Funds.....		1,273,373	
(5) Miscellaneous Receipts		1,500,000	
Total Attorney General, Office of the	8,722,343	2,773,373	11,495,716
19. AUCTIONEERS, ALA- BAMA STATE BOARD OF:			
(a) Professional and Occupa- tional Licensing and Regula- tion Program			90,000
SOURCE OF FUNDS:			
(1) State Board of Auctioneers Fund		90,000	
Total Auctioneers, Alabama State Board of		90,000	90,000
20. AUDITOR, STATE:			
(a) Fiscal Management Pro- gram.....			807,582
SOURCE OF FUNDS:			
(1) State General Fund.....	807,582		
Total Auditor, State.....	807,582		807,582
21. BANKING DEPART- MENT, STATE:			
(a) Charter, License and Regu- late Financial Institutions Program			6,685,265
SOURCE OF FUNDS:			
(1) Banking Assessment Fees.		5,532,258	
As provided in Section 5-2A-20, Code of Alabama 1975.			
(2) Loan Examination Fund..		1,153,007	
As provided in Sections 5-2A- 24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.			

Total Banking Department, State	6,685,265	6,685,265
22. BAR ASSOCIATION, ALABAMA STATE:		
(a) Professional and Occupa- tional Licensing and Regula- tion Program		3,460,767
SOURCE OF FUNDS:		
(1) Federal and Local Funds ..	311,469	
As provided in Sections 34-3-17 and 34-3-18, Code of Alabama 1975.		
(2) State Bar Association Fund	3,149,298	
As provided in Sections 34-3-4 and 34-3-44, Code of Ala- bama 1975.		
Total Bar Association, Ala- bama State	3,460,767	3,460,767
23. BEAR CREEK DEVEL- OPMENT AUTHORITY:		
(a) Water Resource Develop- ment Program		38,229
SOURCE OF FUNDS:		
(1) State General Fund	38,229	
Total Bear Creek Develop- ment Authority	38,229	38,229
24. BUILDING COMMIS- SION, STATE:		
(a) Special Services Program ..		644,521
SOURCE OF FUNDS:		
(1) State General Fund	236,242	
(2) Miscellaneous Funds	408,279	
Total Building Commission, State	236,242	408,279
25. BUILDING RENOVA- TION FINANCE AUTHOR- ITY, ALABAMA:		
(a) Administrative Support Services Program		8,975,419

SOURCE OF FUNDS:

(1) State General Fund- Transfer.....	1,492,508		
(2) Departmental Receipts, Estimated.....		7,482,911	
Total Building Renovation Finance Authority, Alabama ..	1,492,508	7,482,911	8,975,419

26. BUSKEY MATCHING
FUNDS – PENNY TRUST
FUND:

(a) Special Services Program, Estimated.....			100,000
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SOURCE OF FUNDS:

(1) State General Fund – Transfer.....	100,000		
In accordance with Sections 41-15A-10 through 41-15A-12, Code of Alabama 1975.			
Total Buskey Matching Funds – Penny Trust Fund	100,000		100,000

27. CAHABA ADVISORY
COMMITTEE:

(a) Historical Resources Man- agement Program			175,000
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SOURCE OF FUNDS:

(1) State General Fund.....	175,000		
Total Cahaba Advisory Com- mittee	175,000		175,000

28. CHILD ABUSE AND NEG-
LECT PREVENTION BOARD:

(a) Social Services Program ..			1,649,198
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In accordance with Sections
26-16-1 et seq., Code of Ala-
bama 1975.

SOURCE OF FUNDS:

(1) State General Fund- Transfer.....	875,260		
(2) Children's Trust Fund, Estimated.....		773,938	
Total Child Abuse and Neg- lect Prevention Board.....	875,260	773,938	1,649,198

**29. CHILDREN'S SERVICES
FACILITATION TEAM:**

(a) Human Services Program .. 207,266

SOURCE OF FUNDS:

(1) State General Fund..... 100,000

(2) Departmental Receipts 107,266

As provided in Section 12-15-
174, Code of Alabama 1975.

Total Children's Services Facilitation Team	100,000	107,266	207,266
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**30. CHIROPRACTIC EXAMINERS,
ALABAMA STATE BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program 202,000

SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund 202,000

As provided in Section 34-24-143, Code of Alabama 1975.

Total Chiropractic Examiners, Alabama State Board of.....		202,000	202,000
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**31. CHOCCOLOCCO CREEK
WATERSHED CONSERVANCY DISTRICT:**

(a) Water Resource Development Program 19,763

SOURCE OF FUNDS:

(1) State General Fund..... 19,763

Total Choccolocco Creek Watershed Conservancy District	19,763		19,763
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**32. CHOCTAWHATCHEE,
PEA AND YELLOW RIVERS
WATERSHED MANAGEMENT AUTHORITY:**

(a) Water Resource Development Program..... 245,668

SOURCE OF FUNDS:

(1) State General Fund.....	245,668	
Total Choctawhatchee, Pea and Yellow Rivers Watershed Management Authority.....	245,668	245,668

33. CONSERVATION AND
NATURAL RESOURCES,
DEPARTMENT OF:

(a) State Land Management Program.....		3,348,064
(b) Outdoor Recreation Sites and Services Program		29,858,398
(c) Marine Police Program.....		6,252,542
(d) Wildlife Game and Fish Program		21,604,746
(e) Marine Resources Pro- gram		4,217,181
(f) Administrative Services Pro- gram		4,745,195
(g) Capital Outlay Program...		11,418,123

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund – Transfer.....	534,644
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To implement the provisions of
Federal Regulation 50CFR
80.4 (a) (3).

(2) Administrative Funds	4,745,195
--------------------------------	-----------

- | | |
|--|---------|
| (3) Forever Wild Trust Fund
- Transfer..... | 225,000 |
|--|---------|

The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.

- | | |
|---|-----------|
| (4) Game and Fish Fund -
Federal and Local Funds | 7,110,000 |
|---|-----------|

- | | |
|--|------------|
| (5) Game and Fish Fund -
Licenses, Fines, Fees, Interest Income and Other
Departmental Receipts..... | 14,543,933 |
|--|------------|

- | | |
|--|---------|
| (6) Marine Police Fund -
Federal and Local Funds..... | 845,000 |
|--|---------|

- | | |
|---|-----------|
| (7) Marine Police Fund -
Licenses, Fines, Taxes and
Other Departmental Receipts | 5,607,542 |
|---|-----------|

- | | |
|--|-----------|
| (8) Marine Resources Fund -
Federal and Local | 2,128,750 |
|--|-----------|

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and shall be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

- | | |
|--|-----------|
| (9) Marine Resources Fund -
Licenses, Taxes, Fines and
Other Departmental Receipts | 2,104,600 |
|--|-----------|

- | | |
|--|------------|
| (10) Parks Revolving Fund,
Estimated..... | 25,138,669 |
|--|------------|

(11) State Lands Fund.....	3,623,064		
(12) State Parks Fund	719,729		
(13) State Parks Fund - Act 96-785	10,118,123		
(14) State Parks Fund - Ciga- rette Tax.....	4,000,000		
<hr/>			
Total Conservation and Natu- ral Resources, Department of.....	534,644	80,909,605	81,444,249

34. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupa- tional Licensing and Regu- lation Program.....			970,000
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund ...	970,000		
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Pursuant to Section 34-8-25,
Code of Alabama 1975. In
addition to the amounts ap-
propriated hereinabove to
the State Licensing Board for
General Contractors, there is
hereby appropriated such an
amount as may be necessary
to pay the refund of any
application for license which
may have been rejected by
the Board or application
withdrawn by request of
applicant.

Total Contractors, State Li- censing Board for General ...	970,000	970,000	
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35. CORRECTIONS, DE- PARTMENT OF:

(a) Administrative Services and Logistical Support Pro- gram	9,186,783		
(b) Institutional Services Cor- rections Program.....	187,557,636		

(c) Correctional Agricultural and Industries Program	20,179,248
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The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Agricultural and Industries Program.

SOURCE OF FUNDS:

(1) State General Fund.....	164,749,458
(2) Correctional Agricultural Fund	3,882,876
(3) Corrections Industries- Other	17,814,165

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(4) DOC Miscellaneous	14,500,000
(5) DOC Work Release	13,225,271
(6) Department of Corrections Industries Tag Revenue	2,365,083
(7) Drug Demand Reduction Fund	386,814

In accordance with Section 13A-12-283, Code of Alabama 1975.

Total Corrections, Department of	164,749,458	52,174,209	216,923,667
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36. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	790,413
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	790,413
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As provided in Section 34-7-42,
Code of Alabama 1975.

Total Cosmetology, Alabama Board of	790,413	790,413
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37. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program	286,050
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	286,050
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As provided in Section 34-8A-6,
Code of Alabama 1975.

Total Counseling, Alabama Board of Examiners in	286,050	286,050
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38. CREDIT UNION ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program	730,600
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund	730,600
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As provided in Section 5-17-7,
Code of Alabama 1975.

Total Credit Union Administration, Alabama	730,600	730,600
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39. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated	1,423,275
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SOURCE OF FUNDS:

- (1) Alabama Crime Victims
Compensation Commission
Fund, Estimated.....

1,423,275

To be expended in accordance
with Sections 15-23-1 through
15-23-23, Code of Alabama
1975.

Total Crime Victims Compensa-
tion Commission, Alabama

1,423,275

1,423,275

40. CRIMINAL JUSTICE IN-
FORMATION CENTER, ALA-
BAMA:

- (a) Criminal Justice Informa-
tion Services Program

5,575,103

SOURCE OF FUNDS:

- (1) State General Fund.....

2,492,855

- (2) CJIS Automation Fund ...

1,233,500

- (3) Federal and Local Funds ..

1,842,748

- (4) Miscellaneous Receipts

6,000

Total Criminal Justice Infor-
mation Center, Alabama

2,492,855

3,082,248

5,575,103

41. DEBT SERVICE:

- (a) General Obligation Water-
way Refunding Bonds, Series
1992, Estimated.....

3,004,785

- (b) Music Hall of Fame Bonds,
Estimated.....

355,100

Pursuant to Constitutional
Amendment No. 489 as pro-
vided in Act 88-549, 1988
Regular Session.

- (c) Corrections Institutions
Bonds, Estimated.....

1,120,000

Pursuant to Constitutional
Amendment No. 374 as pro-
vided for in Act No. 134,
1978 Second Special Session.

- (d) General Obligation Cap-
ital Bonds, 1990 Series,
Estimated.....

1,906,250

Pursuant to Constitutional
Amendment No. 510 as pro-
vided for in Act 89-799, 1989
Regular Session.

(e) General Obligation Re- funding Bonds, 1992, Series A and B, Estimated	18,993,500
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SOURCE OF FUNDS:

(1) State General Fund, Esti- mated.....	25,379,635	
Total Debt Service	25,379,635	25,379,635

42. DEVELOPMENT OF-
FICE, ALABAMA:

(a) Promotional Development Program-Alabama Film Com- mission	210,494
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(b) Industrial Development Program-Alabama Develop- ment Office.....	4,012,718
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Of the above appropriation,
\$500,000 shall be allocated
for the state's commitment
to the joint advertising ef-
fort for the State of Alabama
and Mercedes Benz USI.

SOURCE OF FUNDS:

(1) State General Fund-Ala- bama Development Office.....	3,912,718	
(2) State General Fund-Ala- bama Film Commission.....	210,494	
(3) Departmental Receipts		100,000
Total Development Office, Alabama	4,123,212	100,000
		4,223,212

43. DIETETICS/NUTRITION
PRACTICE, ALABAMA
STATE BOARD OF EXAM-
INERS FOR:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	80,000
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SOURCE OF FUNDS:

(1) State Board of Dietetics/ Nutrition Fund	80,000	
As provided in Section 34-34A-8, Code of Alabama 1975.		
Total Dietetics/Nutrition Prac- tice, Alabama State Board of Examiners for	80,000	80,000
44. DISTRICT ATTORNEYS:		
(a) Court Operations Program....		19,654,862
The proposed spending plan included in the above total is as follows:		
For use in the District Attor- ney's Office of the following Judicial Circuits:		
1st Judicial Circuit	214,342	
2nd Judicial Circuit ...	220,973	
3rd Judicial Circuit....	307,973	
4th Judicial Circuit....	561,993	
5th Judicial Circuit....	528,714	
6th Judicial Circuit....	509,613	
7th Judicial Circuit....	399,964	
8th Judicial Circuit....	274,204	
9th Judicial Circuit....	263,450	
10th Judicial Circuit..	769,629	
11th Judicial Circuit..	207,990	
12th Judicial Circuit..	446,853	
13th Judicial Circuit..	600,009	
14th Judicial Circuit..	250,402	
15th Judicial Circuit..	649,812	
16th Judicial Circuit..	376,583	
17th Judicial Circuit..	226,240	
18th Judicial Circuit..	459,217	
19th Judicial Circuit..	319,160	
20th Judicial Circuit..	407,390	
21st Judicial Circuit ..	260,838	

22nd Judicial Circuit ..	286,617
23rd Judicial Circuit..	630,068
24th Judicial Circuit..	231,753
25th Judicial Circuit..	246,624
26th Judicial Circuit..	365,674
27th Judicial Circuit..	288,716
28th Judicial Circuit..	372,623
29th Judicial Circuit..	409,944
30th Judicial Circuit..	323,625
31st Judicial Circuit ..	203,616
32nd Judicial Circuit ..	285,206
33rd Judicial Circuit..	238,929
34th Judicial Circuit..	174,791
35th Judicial Circuit..	242,433
36th Judicial Circuit..	165,863
37th Judicial Circuit..	304,559
38th Judicial Circuit..	262,550
39th Judicial Circuit..	221,398
40th Judicial Circuit..	183,656
Travel Expenses of District Attorneys	60,176
Salaries of District Attorneys	3,849,956
For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit.....	187,687
Salaries and Expenses of Supernumerary District Attorneys	1,863,049

SOURCE OF FUNDS:

(1) State General Fund.....	19,654,862	
Total District Attorneys	19,654,862	19,654,862

45. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Program	7,807,457
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(b) Planning Program	75,028,604
Of the above appropriation, at least \$600,000 shall be spent for the Regional Planning Commissions; \$500,000 shall be spent on the Small Business Incubator/Economic Development Promotion Program; \$250,000 shall be expended for capital outlay for compliance with the Americans with Disabilities Act; and \$537,000 shall be expended by the Small Business Development Consortium.	
(c) Skills Enhancement and Employment Opportunities Program	54,874,682
(d) Energy Management Program	5,449,763
(e) Law Enforcement Planning Program	19,023,897
(f) Surplus Property Program ..	4,655,873
(g) PALS/Adopt-a-Mile Program	150,000
(h) Economic Development Regional Revolving Loan Policy Committee	250,000
To be utilized pursuant to Section 41-23-50 Code of Alabama 1975.	
(i) Water Resources Program ..	2,194,673
Of the above appropriation to the Water Resources Program, \$200,000 shall be allotted for the Alabama Coosa Tallapoosa River Water Basin Compact and Appalachian Chattahoochee Flynt River Water Basin Compact.	
(j) Community Action Agencies	960,000

At least \$800,000 of the appropriation shall be distributed as a pass-through grant to the (24) recognized community action administering agencies provided for in Sections 11-96-1 through 11-96-6, Code of Alabama 1975, based on their populations below the poverty level; \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore Counties; and \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Winston and Marion Counties. It is the intent of the Legislature that the above allocations to the Community Action Agencies shall be in addition to all federal funds to which those agencies are normally entitled. In addition, it is the intent of the Legislature that federal funds due to the Community Action Agencies shall be allocated to the agencies within 30 days following the approval of contracts between the agencies and ADECA.

SOURCE OF FUNDS:

(1) State General Fund	14,877,755
(2) Administrative Transfers and Other Departmental Receipts	9,231,750
(3) Administrative Transfers from Federal-Donated Surplus Property Sales, Estimated	3,849,282
(4) Administrative Transfers from State-Owned Surplus Property Sales, Estimated ...	335,094

(5) Federal and Local Funds...	142,101,068		
Total Economic and Community Affairs, Alabama Department of	14,877,755	155,517,194	170,394,949

The above appropriation from the State General Fund is conditioned upon the Department certifying in writing to the Chairman of Ways and Means, Chairman of Economic Expansion and Trade, Finance Director, the State Comptroller and the Legislative Fiscal Officer that those items specifically designated under the Planning Program above will be fully funded during FY 1998-99 from the State General Fund.

46. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			200,000
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SOURCE OF FUNDS:

(1) Alabama Board of Electrical Contractors Fund.....	200,000		
As provided in Section 34-36-17, Code of Alabama 1975.			
Total Electrical Contractors, Board of	200,000		200,000

47. ELECTRONIC SECURITY BOARD OF LICENSURE, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program			165,000
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SOURCE OF FUNDS:

(1) Alabama Electronic Security Board of Licensure Fund	165,000		
Total Electronic Security Board of Licensure, Alabama..	165,000		165,000

48. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program.....	20,989
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SOURCE OF FUNDS:

(1) State General Fund.....	20,989	
Total Elk River Development Agency	20,989	20,989

49. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program	23,445,528
(b) Transfer to County Emergency Management Agencies	276,675

The above appropriation of \$276,675 is in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,586,181		
(2) Federal and Local Funds....	22,136,022		
Total Emergency Management Agency.....	1,586,181	22,136,022	23,722,203

50. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program.....	21,511
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SOURCE OF FUNDS:

(1) State General Fund.....	21,511	
Total Energy Board, Southern States	21,511	21,511

51. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program	844,758
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SOURCE OF FUNDS:

(1) Professional Engineers Fund	844,758
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As provided in Section 34-11-36,
Code of Alabama 1975.

Total Engineers and Land
Surveyors, State Board of
Registration for Professional...

844,758	844,758
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52. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:

(a) Environmental Management Program	59,272,537
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Of the above appropriation,
some portion shall be expended for a Scrap Tire survey and \$350,000 shall be expended for the Concentrated Animal Feeding Operations (CAFO) Program.

SOURCE OF FUNDS:

(1) State General Fund - Transfer.....	4,155,614
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(2) State General Fund - Transfer to Hazardous Substance Cleanup Fund	36,042
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In accordance with Sections
22-30A-3 through 22-30A-11,
Code of Alabama 1975.

(3) State General Fund - Transfer to Water Pollution Control Authority	725,335
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(4) Environmental Education Fund	890,000
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In accordance with Section
32-6-156.1, Code of Alabama
1975. To be expended through
Legacy, Inc., only.

(5) Environmental Management Fines and Fees	12,402,701
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As provided in Section 22-22A-11, Code of Alabama 1975.

(6) Federal Funds	16,414,240
(7) Federal Match - Water Pollution Control Authority...	11,000,000
(8) Hazardous Substance Cleanup Fund	309,605

In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.

(9) SRF Administrative Fees.	1,929,000
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In accordance with Section 22-34-3, Code of Alabama 1975.

(10) Transfer from Underground and Aboveground Storage Tank Trust Fund	705,000
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As provided in Section 22-35-9, Code of Alabama 1975.

(11) Underground and Aboveground Storage Tank Trust Fund	10,705,000
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As provided in Section 22-35-5, Code of Alabama 1975.

Total Environmental Management, Department of.....	4,916,991	54,355,546	59,272,537
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53. ETHICS COMMISSION, ALABAMA:

(a) Regulation of Public Officials and Employees Program.	939,278
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SOURCE OF FUNDS:

(1) State General Fund.....	939,278	
Total Ethics Commission, Alabama	939,278	939,278

54. FARMERS' MARKET AUTHORITY:

(a) Agricultural Development Services Program	233,698
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SOURCE OF FUNDS:

(1) State General Fund.....	144,698		
(2) Farmers' Market Authority Fund.....		89,000	
Total Farmers' Market Authority	144,698	89,000	233,698

55. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program.....		6,645,662	
(b) Administrative Support Services Program.....		77,470,942	
(c) Capital Outlay Program...		800,000	

SOURCE OF FUNDS:

(1) State General Fund.....	9,336,065		
(2) Accounting and Administration Fund.....		1,982,341	
(3) Capitol Complex Revolving Fund		8,474,879	
(4) Data Center Revolving Fund ..		43,339,052	
(5) Employee Injury Compensation Trust Fund - Administration		798,499	
As provided in Sections 36-29A-1, et seq., Code of Alabama 1975.			
(6) General Liability Trust Fund - Administration.....		783,423	
As provided in Sections 36-1-6.1, et seq., Code of Alabama 1975.			
(7) Mail and Supply Revolving Fund.....		8,181,115	
(8) Miscellaneous Funds, Estimated.....		234,000	
(9) Motor Pool Revolving Fund		2,317,262	
(10) Printing and Publications Revolving Fund		8,054,890	

(11) State Insurance Fund - Administration	1,415,078		
As provided in Sections 41-15-1, et seq., Code of Alabama 1975.			
Total Finance, Department of..	9,336,065	75,580,539	84,916,604
56. FINANCE, DEPARTMENT OF - TELEPHONE REVOLVING FUND:			
(a) Administrative Support Services Program.....			25,774,499
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,270,198		
(2) Telephone Revolving Fund, Estimated		24,504,301	
Total Finance, Department of - Telephone Revolving Fund ...	1,270,198	24,504,301	25,774,499
57. FLEXIBLE EMPLOYEES BENEFIT BOARD:			
(a) Employee Benefits Program, Estimated			368,500
In accordance with Sections 36-29-20 through 36-29-30, Code of Alabama 1975.			
SOURCE OF FUNDS:			
(1) Flexible Employees Benefit Board Fund, Estimated.....		368,500	
Total Flexible Employees Benefit Board		368,500	368,500
58. FOREIGN TRADE RELATIONS COMMISSION:			
(a) Special Services Program			100,334
SOURCE OF FUNDS:			
(1) State General Fund.....	100,334		
Total Foreign Trade Relations Commission.....	100,334		100,334
59. FORENSIC SCIENCES, DEPARTMENT OF:			
(a) Forensic Science Services Program.....			13,309,684

SOURCE OF FUNDS:

(1) State General Fund.....	7,037,040		
(2) Chemical Test Fund		2,000,000	
As provided in Sections 36-18-51 and 32-5A-191, of Alabama 1975.			
(3) DNA Fund.....		2,100,000	
(4) Federal and Local Funds...		865,144	
(5) Forensic Services Fund....		1,300,000	
As provided in Sections 36-18-6 through 36-18-8, Code of Alabama 1975.			
(6) Forfeited Assets Fund		7,500	
Total Forensic Sciences, De- partment of	7,037,040	6,272,644	13,309,684

60. FORESTERS, ALABAMA
STATE BOARD OF REGIS-
TRATION FOR:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	115,000
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SOURCE OF FUNDS:

(1) Professional Foresters Fund	115,000	
As provided in Section 34-12-36, Code of Alabama 1975.		
Total Foresters, Alabama State Board of Registration for	115,000	115,000

61. FORESTRY COMMIS-
SION, ALABAMA:

(a) Forest Resources Protec- tion and Development Pro- gram.....	27,314,689
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Of the above appropriation,
\$150,000 shall be allocated
for the Forestry Team Pro-
gram.

(b) Capital Outlay Program....	180,000
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SOURCE OF FUNDS:

(1) State General Fund - Transfer.....	12,682,999		
(2) Federal and Local Funds...		4,118,590	
(3) Forest Stewardship Edu- cation Fund		500,000	
(4) Forestry Commission Fund..		10,193,100	
Total Forestry Commission, Alabama	12,682,999	14,811,690	27,494,689

Of the above appropriation to the Alabama Forestry Commission, \$2,311,017 shall be used for rural and community fire protection. All monies received by the Forestry Commission for Volunteer Fire Departments or Rural Fire Protection, from whatever source, must be used for those purposes and an accounting of same shall be filed with both houses of the Legislature before the third legislative day of each regular session. A plan to notify legislators of the funds to be granted to the Volunteer Fire Departments, prior to the distribution of such funds, shall also be filed with both houses of the Legislature.

62. FOREVER WILD LAND TRUST, BOARD OF:

(a) Capital Outlay Program ..	5,143,528
(b) Administration Program..	3,350,865

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust

Stewardship Account, in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund	8,394,393	
(2) Forever Wild Land Trust Stewardship Account, Estimated.....	100,000	
Total Forever Wild Land Trust, Board of.....	8,494,393	8,494,393

The above appropriation is in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

63. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	170,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund.....	170,000
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As provided in Section 34-13-23, Code of Alabama 1975.

Total Funeral Service, Alabama Board of.....	170,000	170,000
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64. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	3,241,616
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SOURCE OF FUNDS:

(1) State General Fund.....	2,091,264	
(2) Federal and Local Funds ...	1,150,352	
Total Geological Survey.....	2,091,264	1,150,352
		3,241,616

65. GEOLOGISTS, ALABAMA
BOARD OF LICENSURE
FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program	150,000
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SOURCE OF FUNDS:

(1) Alabama Board of Licensure for Professional Geologists Fund	150,000
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As provided in Section 34-41-6,
Code of Alabama 1975.

Total Geologists, Alabama Board of Licensure for Professional	150,000	150,000
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66. GORGAS MEMORIAL
BOARD:

(a) Historical Resources Management Program	7,005
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SOURCE OF FUNDS:

(1) State General Fund	7,005
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As provided in Section 41-9-220,
Code of Alabama 1975, and an
additional amount.

Total Gorgas Memorial Board ...	7,005	7,005
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67. GOVERNOR'S CONTIN-
GENCY FUND:

(a) Executive Direction Program	387,500
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SOURCE OF FUNDS:

(1) State General Fund	387,500
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Total Governor's Contingency Fund	387,500	387,500
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68. GOVERNOR'S MAN-
SION:

(a) Executive Direction Program	401,798
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SOURCE OF FUNDS:

(1) State General Fund	401,798
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Total Governor's Mansion	401,798	401,798
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69. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program	6,200
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SOURCE OF FUNDS:

(1) Governor's Mansion Advisory Board	6,200
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Total Governor's Mansion Advisory Board	6,200	6,200
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70. GOVERNOR'S OFFICE:

(a) Executive Direction Program	2,823,483
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SOURCE OF FUNDS:

(1) State General Fund	2,823,483
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Total Governor's Office	2,823,483	2,823,483
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71. GOVERNOR'S OFFICE ON NATIONAL AND COMMUNITY SERVICE:

(a) Executive Direction Program	270,496
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	93,747
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(2) Federal Funds	176,749
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Total Governor's Office on National and Community Service	93,747	176,749	270,496
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72. HEALTH, DEPARTMENT OF PUBLIC:

(a) Personal Health Services Program	139,786,653
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(b) Health Support Services Program	221,156,052
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Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the

67 counties and the remainder shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program.....

20,987,991

Of the above appropriation, \$100,000 shall be expended as a pass through grant for water and wastewater training at the Alabama Water and Wastewater Institute for water and wastewater operators training and/or educational seminar and \$100,000 shall be expended for the American Sports Medicine Institute. Of the above appropriation, \$350,000 shall be expended for the regulation of children's access to tobacco in accordance with Act 97-423.

(d) Abstinence Education Programs

300,000

(e) Children's Health Insurance Program

26,781,804

Of the above appropriation for the Children's Health Insurance Program, any State General Fund money unexpended at the end of the fiscal year ending September 30, 1999, shall be carried over and used for the Children's Health Insurance Program and shall not be subject to reversion under the provisions of the Budget Management Act.

SOURCE OF FUNDS:

(1) State General Fund..... 39,285,347

(2) State General Fund - CHIP Program	5,000,000		
(3) Alabama Legacy for Environmental Research Trust Fund		500,000	
As provided in Section 22-30B-19, Code of Alabama 1975.			
(4) CHIP Unencumbered Balance Brought Forward-Estimated		3,500,000	
(5) Cigarette Tax-\$0.01 and \$0.02		1,600,000	
As provided in Sections 40-25-2 and 40-25-23, Code of Alabama 1975.			
(6) Emergency Medical Services Fund		115,000	
As provided in Section 22-18-4, Code of Alabama 1975.			
(7) Federal Funds	158,260,843		
(8) Health-Medicaid Fund	36,000,000		
(9) Hospital Licensing Fund..	672,472		
(10) Local Health Departments	136,149,559		
(11) Milk Processing Fee	46,810		
In accordance with Sections 20-1-140 through 20-1-146, Code of Alabama 1975			
(12) Miscellaneous Funds	23,229,040		
(13) Radiation Safety Fund...	1,029,143		
(14) Vital Statistics Fund	3,624,286		
Total Health, Department of Public	<u>44,285,347</u>	<u>364,727,153</u>	<u>409,012,500</u>

Of the above appropriation to the Department of Public Health, at least \$1,000,000 shall be spent on perinatal activities. The Department of Public Health will reimburse

to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit. In addition to the above appropriation, there is hereby appropriated \$2,000,000 to the Department of Public Health from the State General Fund to be conditioned upon the availability of funds and the approval of the Governor.

73. HEALTH PLANNING AGENCY, STATE:

(a) Health Planning Development and Regulation Program	1,075,000
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SOURCE OF FUNDS:

(1) Certificate of Need Fees...	982,815	
(2) Departmental Receipts	92,185	
Total Health Planning Agency, State	1,075,000	1,075,000

74. HEARING INSTRUMENT DEALERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	54,000
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SOURCE OF FUNDS:

(1) Hearing Instrument Dealers Fund	54,000	
As provided in Section 34-14-33, Code of Alabama 1975.		
Total Hearing Instrument Dealers, Alabama Board of	54,000	54,000

75. HEATING AND AIR CONDITIONING CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	489,000
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SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund.....	489,000
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As provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975.

Total Heating and Air Conditioning Contractors, Board of.....	489,000	489,000
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76. HERITAGE TRUST FUND, ALABAMA:

(a) Fiscal Management Program.....	20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Fund Income ..	20,000
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Total Heritage Trust Fund, Alabama	20,000	20,000
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77. HISTORIC BLAKELEY AUTHORITY:

(a) Historical Resources Management Program	375,000
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SOURCE OF FUNDS:

(1) State General Fund.....	375,000
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Total Historic Blakeley Authority.....	375,000	375,000
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The funds hereby appropriated are to be expended only for grants, projects, and/or any other legal purposes in the State of Alabama.

78. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program	143,180
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SOURCE OF FUNDS:

(1) State General Fund	143,180	
Total Historic Chattahoochee Commission	143,180	143,180

79. HISTORIC IRONWORKS COMMISSION, ALABAMA:

(a) Historical Resources Management Program		386,057
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SOURCE OF FUNDS:

(1) State General Fund.....	386,057	
Total Historic Ironworks Commission, Alabama	386,057	386,057

80. HISTORICAL COMMISSION, ALABAMA:

(a) Historical Resources Management Program		7,079,733
(b) Capital Outlay Program ..		160,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	4,082,177	
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The above appropriation shall be distributed as follows:

Historical Commission, Alabama.....	1,642,541
Historical Commission, Alabama-Constitution Hall Village.....	500,000
Historical Commission, Alabama-Helen Keller's Birthplace.....	50,000
Historical Commission, Alabama-Fort Payne, Bridgeport and Stevenson Historical Depots/Museums.....	60,000
Historical Commission, Alabama-Magnolia Grove	27,124
Historical Commission, Alabama-Houston Library, Athens	30,000

Historical Commission, Alabama-LaGrange	25,000
Historical Commission, Alabama-Fort Morgan ..	129,198
Historical Commission, Alabama-Joe Wheeler House	35,000
Historical Commission, Alabama-Fort Toulouse	127,500
Historical Commission, Alabama-John T. Morgan House, Selma	8,180
Historical Commission, Alabama-Cahaba	125,000
The administrative fee charged by the Alabama Historical Commission to the Cahaba Account shall not exceed 3% of the above amount.	
Historical Commission, Alabama-Gaineswood ...	52,998
Historical Commission, Alabama-Fendall Hall ..	140,000
Historical Commission, Alabama-State Capitol ..	769,636
Historical Commission, Alabama-Hank Williams Museum, Georgiana ...	25,000
Historical Commission, Alabama-Museum of the City of Mobile	100,000
Historical Commission, Alabama-Restoration of the Court House in Monroeville.....	100,000
Historical Commission, Alabama-Aliceville Prisoner of War Museum.....	25,000
Historical Commission, Alabama-Cornwall Furnace Park	20,000

Historical Commission,
Alabama-Autauga County
Historical Commission-
200th Birthday for Daniel
Pratt25,000

Historical Commission,
Alabama-Historic Mobile
Preservation Society...25,000

Historical Commission,
Alabama-Childersburg
Heritage Foundation20,000

Historical Commission,
Alabama-Donnell
House.....20,000

(2) Alabama State Historical
Preservation Fund - Depart-
mental Receipts 2,380,000

(3) Federal and Local Funds... 550,000

(4) Soldiers Fund 227,556

As provided in Section 40-8-3,
Code of Alabama 1975.

Total Historical Commission, Alabama	4,082,177	3,157,556	7,239,733
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81. HOME BUILDERS LI- CENSURE BOARD:

(a) Professional and Occupa-
tional Licensing and Regula-
tion Program 1,495,900

SOURCE OF FUNDS:

(1) Home Builders Licensure
Board Fund 1,045,900

In accordance with Sections
34-14A-1 through 34-14A-17,
Code of Alabama 1975.

(2) Home Builders Licensure
Board Recovery Fund 450,000

Total Home Builders Licensure Board.....	1,495,900	1,495,900
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82. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program.. 771,884,713

Of the above appropriation, \$100,000 shall be allocated for Brantwood Children's Home in Montgomery; \$25,000 shall be allocated for the Alabama Foster Care Association; \$25,000 shall be allocated for the New Futures for Homeless Program in Huntsville; and \$50,000 shall be allocated for the Harris Home for Children. It is the intent of the Legislature that the Department provide adequate funding for therapeutic foster care and residential care facilities. Of the above appropriation, at least \$2.4 million shall be expended for Before and After School Care programs; at least \$7 million shall be expended for therapeutic foster care; and at least \$300,000 shall be expended for Adult Day Care at the Family Guidance Center. Of the above appropriation, \$200,000 shall be expended for the Circle of Care. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000-\$3,500; county populations less than 50,000-\$2,000. Child care providers shall be reimbursed for child care services at their published rate for the particular category of care or at the 75th percentile of the local market rate, whichever is less. The local market rate shall be established on an annual basis based on a

representative sample of licensed child care providers.

(b) Foster Families Enhancement Program	2,000,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfers.....	40,298,711
(2) Beer Tax	9,500,000
(3) Child Support Collections ...	6,543,113
(4) Child Support Interest and Fees	870,000
(5) Cigarette Tax.....	4,000,000
(6) Contractor's Gross Receipts Tax.....	2,700,000
(7) Federal and Local Funds ...	631,369,639
(8) Foster Care Trust Fund ...	100,000
(9) Franchise Tax.....	16,595,250
(10) Miscellaneous Receipts ..	812,500
(11) Pension Residue	20,773,500
(12) Sales Tax.....	1,322,000
(13) Sales Tax for Food Stamps, Estimated	15,500,000

In accordance with Section 40-23-35, Code of Alabama 1975.

(14) Sales Tax for Foster Care	1,000,000
(15) Whiskey Tax	22,500,000

Total Human Resources, Department of	40,298,711	733,586,002	773,884,713
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83. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program ..	286,000
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	200,000		
(2) Federal and Local Funds...		86,000	
Total Indian Affairs Commission, Alabama	200,000	86,000	286,000

84. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program.....			350,000
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund		350,000	
Total Industrial Development Authority, State		350,000	350,000

85. INDUSTRIAL RELATIONS, DEPARTMENT OF:

(a) Employment Security Program			44,949,937
(b) Industrial Safety and Accident Prevention Program			4,847,001
(c) Administrative Services Program			16,646,633
(d) Workers' Compensation Program.....			5,033,059
(e) Capital Outlay Program...			600,000

SOURCE OF FUNDS:

(1) State General Fund.....	711,900		
(2) Federal and Local Funds .		71,364,730	
Total Industrial Relations, Department of	711,900	71,364,730	72,076,630

86. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program			1,588,984
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund ...		1,588,984	
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Total Insurance Board, State Employees'	1,588,984	1,588,984
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87. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program		9,873,951
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SOURCE OF FUNDS:

(1) Examination Revolving Fund	4,318,203	
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(2) Fire Marshal's Fund.....	265,816	
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As provided in Sections 34-33-11, 8-17-211, and 8-17-255, Code of Alabama 1975.

(3) Insurance Agents and Brokers Continuing Education Fund.....	1,079,240	
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As provided in Section 27-2-39, Code of Alabama 1975.

(4) Insurance Department Fund	4,160,692	
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As provided in Section 27-8A-10, Code of Alabama 1975.

(5) Service Contract Fund	50,000	
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Total Insurance, Department of.....	9,873,951	9,873,951
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88. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program		29,500
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SOURCE OF FUNDS:

(1) Interior Designer Fund	29,500	
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As provided in Section 34-15A-7, Code of Alabama 1975.

Total Interior Designers, Alabama State Board of Registration for	29,500	29,500
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89. LABOR, DEPARTMENT
OF:

(a) Regulatory Services Program.....		306,319
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SOURCE OF FUNDS:

(1) State General Fund	306,319	
Total Labor, Department of ..	306,319	306,319

90. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program		56,254
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SOURCE OF FUNDS:

(1) Landscape Architect's Fund...	56,254	
As provided in Section 34-17-6, Code of Alabama 1975.		
Total Landscape Architects, Board of Examiners of	56,254	56,254

91. LIEUTENANT GOVERNOR,
OFFICE OF THE:

(a) Legislative Operations and Support Program		623,400
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SOURCE OF FUNDS:

(1) State General Fund	623,400	
Total Lieutenant Governor, Office of the	623,400	623,400

92. LIQUEFIED PETROLEUM
GAS BOARD:

(a) Regulatory Services Program		691,500
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund	566,500	
(2) Liquefied Petroleum Gas Research and Education Fund	125,000	
Total Liquefied Petroleum Gas Board.....	691,500	691,500

93. LIVESTOCK MARKET
BOARD, ALABAMA PUBLIC:

(a) Agricultural Development Service Program.....		3,000
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SOURCE OF FUNDS:

(1) Alabama Public Livestock Market Fund	3,000	
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In accordance with Sections
2-15-115 through 2-15-127,
Code of Alabama 1975.

Total Livestock Market Board, Alabama Public.....	3,000	3,000
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94. MANUFACTURED HOUS-
ING COMMISSION, ALA-
BAMA:

(a) Regulatory Services Pro- gram	2,207,587	
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund	2,207,587	
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As provided in Section 24-6-4,
Code of Alabama 1975.

Total Manufactured Housing Commission, Alabama	2,207,587	2,207,587
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95. MASSAGE THERAPY,
ALABAMA BOARD OF:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	60,000	
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SOURCE OF FUNDS:

(1) Alabama Board of Mas- sage Therapy Fund.....	60,000	
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As provided in Section 34-43-14,
Code of Alabama 1975.

Total Massage Therapy, Ala- bama Board of	60,000	60,000
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96. MEDICAID AGENCY,
ALABAMA:

(a) Medical Assistance through Medicaid Program.....	2,433,884,129	
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Of the above appropriation to the Medicaid Program, \$75,000 shall be allocated to the Donated Dental Services Project for Handicapped/Indigent Patients. The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A87 and Health Care Financing Administration guidelines) for services provided. The Department of Public Health shall transfer to the Medicaid Agency the state funds attributable to the difference between their costs and Medicaid's routine reimbursement fee.

SOURCE OF FUNDS:

(1) State General Fund.....	205,677,102
(2) Alabama Health Care Trust Fund.....	34,905,729
(3) Departmental Receipts	2,500,000
(4) Drug Rebates	11,788,460
(5) Federal and Local Funds...	1,695,203,873
(6) Public Hospitals Transfer..	383,096,004
(7) Transfer from Commission on Aging.....	3,490,300
(8) Transfer from Department of Human Resources ...	13,926,601
(9) Transfer from Department of Mental Health and Mental Retardation	64,326,971
(10) Transfer from Department of Public Health	12,389,841
(11) Transfer from Department of Rehabilitation Services	4,578,162
(12) Transfer from Department of Youth Services	134,230

(13) Transfer from University of Alabama at Birmingham.....	1,843,800		
(14) Unencumbered Balance Brought Forward.....	23,056		
Total Medicaid Agency, Alabama.....		205,677,102	2,228,207,027 2,433,884,129

In addition to the above appropriation to the Alabama Medicaid Agency, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid. In addition to the above appropriation, there is hereby conditionally appropriated \$15,000,000 to the Alabama Medicaid Agency from the State General Fund, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor.

97. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program	14,505
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SOURCE OF FUNDS:

(1) State General Fund	14,505	
Total Men's Hall of Fame, Alabama	14,505	14,505

98. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Administrative Services Program.....	14,855,911
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Of the above appropriation,
\$50,000 shall be allocated to
Camp Partlow.

(b) Alzheimer's Dementia Coordination Program.....	50,000
(c) Mental Illness Program....	196,177,658
(d) Mental Retardation Pro- gram.....	147,432,384
(c) Substance Abuse Program..	30,073,086

In addition to funding grants
received by the Council on
Substance Abuse-NCADD,
\$75,000 shall be allocated to
the Council for its substance
abuse hotline.

SOURCE OF FUNDS:

(1) State General Fund-Trans- fer.....	68,876,951
(2) Cigarette Tax.....	2,400,000
(3) Departmental Receipts	2,000,000
(4) Federal and Local Funds ...	198,997,250
(5) Indigent Offender Alcohol/ Drug Treatment Fund.....	154,500
(6) Special Mental Health Trust Fund	116,160,338

For Operations and Mainte-
nance of the Department of
Mental Health and Mental
Retardation and the Mental
Health and Mental Re-
tardation Community Pro-
grams, including the pur-
chase of drugs for medically
indigent mental patients not
hospitalized at time of
receiving drugs at the Ala-
bama state hospitals.

Total Mental Health and Men- tal Retardation, Department of	68,876,951	319,712,088	388,589,039
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Of the above appropriations for
Mental Illness Services and

Substance Abuse Services, funds shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds. The DMH/MR shall not reduce the amount of funds allocated to the Community Mental Illness and Community Mental Retardation Boards, the ARC's and the Volunteers of America from the level of funding provided in the fiscal year 1998 budget.

99. MILITARY DEPARTMENT:

(a) Military Operations Program

4,799,718

SOURCE OF FUNDS:

(1) State General Fund-Active Military Service

7,500

(2) State General Fund-Dropping Allowance	1,000	
(3) State General Fund-Operations	1,325,215	
(4) State General Fund-Quarterly Allowances Headquarters	1,450,000	
(5) State General Fund-State Defense Force	20,000	
(6) State General Fund-Transfer to Armory Commission	1,996,003	
Total Military Department	4,799,718	4,799,718

100. MILITARY DEPARTMENT - ARMORY COMMISSION OF ALABAMA:

(a) Military Operations Program	9,602,353
(b) Capital Outlay Program....	10,615,000

SOURCE OF FUNDS:

(1) Departmental Receipts	240,000
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The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund.

(2) Federal and Local Funds ...	17,889,000
(3) Military Department Billeting Revolving Fund, Estimated	92,350

(4) Transfer from Military Department.....	1,996,003	
Total Military Department - Armory Commission of Alabama.....	20,217,353	20,217,353
101. MOTOR SPORTS HALL OF FAME COMMISSION:		
(a) Historical Resources Management Program.....		131,522
SOURCE OF FUNDS:		
(1) State General Fund.....	131,522	
Total Motor Sports Hall of Fame Commission	131,522	131,522
102. MUSIC HALL OF FAME BOARD, ALABAMA:		
(a) Fine Arts Program		245,559
SOURCE OF FUNDS:		
(1) State General Fund.....	245,559	
Total Music Hall of Fame Board, Alabama	245,559	245,559
103. NURSING, ALABAMA BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		3,556,510
SOURCE OF FUNDS:		
(1) Alabama Board of Nursing Trust Fund.....	3,556,510	
As provided in Sections 34-21-1 through 34-21-43, Code of Alabama 1975.		
Total Nursing, Alabama Board of	3,556,510	3,556,510
104. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:		
(a) Professional and Occupational Licensing and Regulation Program		94,000

SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Adminis- trators Fund.....	94,000	
As provided in Section 34- 20-7, Code of Alabama 1975.		
Total Nursing Home Adminis- trators, Board of Examiners of	94,000	94,000

105. OCCUPATIONAL THER-
APY, ALABAMA STATE
BOARD OF:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	115,000
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SOURCE OF FUNDS:

(1) Board of Occupational Ther- apy Fund.....	115,000	
As provided in Section 34-39-6, Code of Alabama 1975.		
Total Occupational Therapy, Alabama State Board of	115,000	115,000

106. OIL AND GAS BOARD:

(a) Management and Regula- tion of Oil and Gas Ex- ploration and Development Program.....	2,216,972
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SOURCE OF FUNDS:

(1) State General Fund.....	2,064,972	
(2) Oil and Gas Board Special Fund	132,000	
(3) Surety Bond Deposits, Estimated.....	20,000	
In accordance with Section 9-17-6, Code of Alabama 1975.		
Total Oil and Gas Board.....	2,064,972	2,216,972

107. PARDONS AND PA-
ROLES, BOARD OF:

(a) Administration of Pardons and Paroles Program	18,797,765
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Of the above appropriation,
\$75,000 shall be expended to
train Adult Probation Offi-
cers in mediation/dispute
resolution.

SOURCE OF FUNDS:

(1) State General Fund.....	13,561,280	
(2) Local Funds		136,485
(3) Probationers Upkeep Fund ..		5,100,000

In accordance with Section
15-22-2, Code of Alabama
1975.

Total Pardons and Paroles, Board of	13,561,280	5,236,485	18,797,765
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Of the above appropriation,
\$155,300 shall be expended
for the purchase of safety
equipment for parole officers.

**108. PEACE OFFICERS' AN-
NUITY AND BENEFIT
FUND BOARD, ALABAMA:**

(a) Retirement Systems Pro- gram.....		429,208
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund	429,208
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As provided in Section 36-21-66,
Code of Alabama 1975.

Total Peace Officers' Annuity and Benefit Fund Board, Alabama	429,208	429,208
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**109. PERSONNEL DEPART-
MENT, STATE:**

(a) Administrative Support Services Program.....	5,918,815
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Transfers to the State Per-
sonnel Department shall be
as follows:

SOURCE OF FUNDS:

(1) Agricultural Center Board.	3,003
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(2) Agricultural Museum Board.....	215
(3) Agricultural and Conservation Development Commission	72
(4) Alabama Building Renovation Finance Authority.....	14,014
(5) Alabama Crime Victims Compensation Commission..	2,932
(6) Alabama Development Office	5,434
(7) Alabama Historical Commission	12,727
(8) Alabama Indian Affairs Commission.....	787
(9) Alabama Medicaid Agency....	73,145
(10) Alcoholic Beverage Control Board	108,180
(11) Archives and History	7,508
(12) Attorney General's Office ..	23,309
(13) Board of Cosmetology.....	1,859
(14) Board of Counseling Examiners.....	72
(15) Board of Examiners for Dietetics/Nutrition Practice.....	72
(16) Board of Examiners of Nursing Home Administrators.....	72
(17) Board of Heating and Air Conditioning Contractors.....	644
(18) Board of Nursing	4,648
(19) Board of Occupational Therapy	72
(20) Board of Physical Therapy	215
(21) Board of Registration for Architects	215
(22) Board of Registration for Foresters	72

(23) Board of Registration for Professional Engineers and Land Surveyors.....	858
(24) Board of Social Work Examiners.....	358
(25) Board of Veterinary Medical Examiners.....	72
(26) Building Commission.....	2,932
(27) Bureau of Tourism and Travel.....	10,082
(28) Child Abuse and Neglect Prevention Board.....	1,001
(29) Chiropractic Examiners ..	215
(30) Choctawhatchee, Pea and Yellow Rivers Watershed	215
(31) Commission on Aging.....	2,574
(32) Credit Union Administration	1,073
(33) Criminal Justice Information Center.....	7,365
(34) Department of Aeronautics.....	572
(35) Department of Agriculture and Industries.....	51,552
(36) Department of Conservation and Natural Resources.....	226,369
(37) Department of Corrections.....	441,370
(38) Department of Economic and Community Affairs.....	43,687
(39) Department of Education	98,098
(40) Department of Environmental Management	67,353
(41) Department of Forensic Sciences	21,236
(42) Department of Human Resources	557,843

(43) Department of Industrial Relations	233,662
(44) Department of Labor	858
(45) Department of Mental Health and Mental Retardation	520,735
(46) Department of Public Health	795,652
(47) Department of Public Safety	188,832
(48) Department of Revenue ..	196,196
(49) Department of Transportation.....	570,713
(50) Department of Veterans' Affairs.....	9,295
(51) Department of Youth Services	96,096
(52) Educational Television Commission.....	9,295
(53) Electrical Contractors Board.....	72
(54) Emergency Management Agency.....	7,579
(55) Employees' Insurance Board	2,145
(56) Ethics Commission	2,217
(57) Examiners of Public Accounts	34,535
(58) Farmers' Market Authority.....	215
(59) Federal and Local Funds ..	501
(60) Finance, Department of ..	72,930
(61) Foreign Trade Relations Commission.....	143
(62) Forestry Commission	55,699
(63) Funeral Service Board ...	215
(64) Geological Survey	7,436
(65) Governor's Office	5,077
(66) Home Builders Licensure Board	2,074

(67) Human Resources-Contract Team	97,551
(68) Insurance Department.....	13,228
(69) International Airport Authority.....	72
(70) Judicial Inquiry Commission	358
(71) Legislative Reference Service.....	143
(72) Liquefied Petroleum Gas Board	1,216
(73) Manufactured Housing Commission.....	3,146
(74) Military Department.....	29,744
(75) Oil and Gas Board	5,220
(76) Pardons and Paroles	50,622
(77) Peace Officers' Annuity and Benefit Fund.....	501
(78) Peace Officers' Standards and Training Commission....	858
(79) Physical Fitness Commission	715
(80) Plumbers and Gas Fitters Examiners Board	2,574
(81) Public Education Employees' Insurance Board	2,217
(82) Public Health-Contract Team.....	309,339
(83) Public Library Service....	7,365
(84) Public Service Commission	17,375
(85) Real Estate Appraisers Board	930
(86) Real Estate Commission..	2,932
(87) Rehabilitation Services, Department of.....	114,543
(88) Retirement Systems.....	28,743
(89) Secretary of State	5,577

(90) Securities Commission...	3,861	
(91) Soil and Water Conservation Committee.....	501	
(92) State Auditor	2,217	
(93) State Banking Department	9,152	
(94) State Council on the Arts ..	2,360	
(95) State Docks	49,478	
(96) State Health Planning Agency	1,931	
(97) State Licensing Board for General Contractors	1,073	
(98) State Treasurer	9,152	
(99) Surface Mining Commission	4,362	
(100) Transportation-Contract Team.....	532,994	
(101) Voter Registration	501	
Total Personnel Department, State	5,918,815	5,918,815

The above appropriations for the contract teams of Human Resources, Public Health, and the Department of Transportation are for an estimated amount as agreed upon by the State Personnel Department and said departments for model work teams. Such amounts of the above appropriation as are necessary shall be expended by the State Personnel Department, working closely with the Department of Public Safety, to develop and provide to the Department of Public Safety lists of qualified applicants to be used by the Department of Public Safety to fill positions in the Department of Public Safety Missing and Exploited Children's Unit. Such lists

shall be developed and provided to the Department of Public Safety within one month of the creation of a new position or a vacancy in an existing position within the Missing and Exploited Children's Unit. The State Personnel Department shall revise the salary schedule for certified law enforcement officers of the Department of Agriculture and Industries to be in line with the pay classifications of state troopers. The State Personnel Department shall make a written report of these revised salary schedules prior to January 1, 1999 to the Chairs of the House Committee on Ways and Means and the Senate Committee on Economic Expansion and Trade.

110. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	275,267
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SOURCE OF FUNDS:

(1) Physical Therapist Fund..	275,267
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As provided in Section 34-24-195, Code of Alabama 1975.

Total Physical Therapy, Board of	275,267	275,267
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111. PLUMBERS AND GAS FITTERS EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	1,600,000
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund	1,600,000
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As provided in Section 34-37-5,
Code of Alabama 1975.

Total Plumbers and Gas Fitters Examining Board, Alabama ...	1,600,000	1,600,000
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112. POLYGRAPH EXAM-
INERS, BOARD OF:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	20,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Exam- iners Fund	20,000
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As provided in Section 34-25-5,
Code of Alabama 1975.

Total Polygraph Examiners, Board of	20,000	20,000
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113. PROSECUTION SERV-
ICES, OFFICE OF:

(a) Prosecution, Training, Edu- cation and Management Program	1,613,834
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Of the above appropriation,
\$85,000 shall be transferred
to the district attorney of
the 18th Judicial Circuit.

SOURCE OF FUNDS:

(1) State General Fund	473,678
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(2) Office of Prosecution Serv- ices Fund	1,140,156
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Total Prosecution Services, Office of	473,678	1,140,156	1,613,834
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114. PSYCHOLOGY, ALA-
BAMA BOARD OF EXAM-
INERS IN:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	191,668
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SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund	191,668
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As provided in Section 34-26-43,
Code of Alabama 1975.

Total Psychology, Alabama Board of Examiners in	191,668	191,668
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115. PUBLIC SAFETY, DE-
PARTMENT OF:

(a) Police Services Program...	40,749,622
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Of the above appropriation,
\$400,000 shall be expended
by the Missing and Exploited
Children's Unit for child
pornography enforcement.

(b) Public Safety Support Serv- ices Program	17,561,112
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(c) Administrative Services Program	15,728,809
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Of the above appropriation,
\$40,000 shall be expended
for the State Trooper Honor
Guard Memorial.

SOURCE OF FUNDS:

(1) State General Fund.....	57,193,020
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(2) Automated Fingerprint Identification System Fund..	2,000,000
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In accordance with Sections
12-19-180 and 32-2-61, Code
of Alabama 1975.

(3) Boat Driver License.....	100,000
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In accordance with Sections
33-5-53(f) through 33-5-55,
Code of Alabama 1975.

(4) Commercial Driver's Li- cense Fees	767,000
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In accordance with Section
32-5-313, Code of Alabama
1975.

(5) Drug Offenders Rein- statement Fund	100,000
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(6) Federal and Local Funds ..	5,279,523
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(7) Public Safety Law Enforcement Fund	4,500,000
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In accordance with Section 32-6-5, Code of Alabama 1975.

(8) Public Safety Motor Vehicle Replacement Fund	600,000
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In accordance with Sections 32-2-80 through 32-2-84, Code of Alabama 1975.

(9) Transfer from Public Road and Bridge Fund-Act 91-797	3,500,000
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Notwithstanding the provisions of Act 91-797, the above transfer from the Public Road and Bridge Fund may be expended for the enforcement of state traffic and motor vehicle laws.

Total Public Safety, Department of	57,193,020	16,846,523	74,039,543
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116. PUBLIC SERVICE COMMISSION:

(a)Regulatory Services Program	5,640,969
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(b) Administrative Services Program	7,009,942
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The above appropriation includes a transfer to the State General Fund of \$2,723,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Court Settlement Funds .	173,977
(2) Departmental Receipts	10,000
(3) Federal and Local Funds ..	410,000
(4) Gas Pipeline Safety Fund ...	458,560
(5) Public Service Commission Fund	11,598,374

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

Total Public Service Commission	12,650,911	12,650,911
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In addition to the above appropriation to the Public Service Commission, there is hereby also appropriated revenues received from audit and court settlements and motor carrier fees in excess of known budgeted amounts in PSC Fund 326 up to a maximum of \$600,000.

117. REAL ESTATE APPRAISERS BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	549,950
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SOURCE OF FUNDS:

(1) Real Estate Appraisers Board Fund	549,950
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In accordance with Sections 34-27A-1 through 34-27A-29, Code of Alabama 1975.

Total Real Estate Appraisers Board, Alabama	549,950	549,950
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118. REAL ESTATE COM- MISSION, ALABAMA:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	2,795,282
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SOURCE OF FUNDS:

(1) Alabama Real Estate Com- mission Fund	2,795,282	
As provided in Section 34-27-4, Code of Alabama 1975.		
Total Real Estate Commis- sion, Alabama	2,795,282	2,795,282

119. REHABILITATION SERVICES, DEPARTMENT OF:

(a) Rehabilitation Services Program	1,911,575
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SOURCE OF FUNDS:

(1) State General Fund - Eye Injury Register	41,234	
(2) State General Fund - Home- bound	1,870,341	
Total Rehabilitation Services, Department of	1,911,575	1,911,575

120. REVENUE, DEPART- MENT OF:

(a) State Revenue Adminis- tration Program	79,325,260
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SOURCE OF FUNDS:

(1) State General Fund - Trans- fer	191,301	
As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem assessments.		
(2) State General Fund-Board of Equalization	76,542	
(3) Inspection fees for re- stored vehicles	900,000	

As provided in Section 32-8-87,
Code of Alabama 1975.

(4) Local Funds	3,120,302
(5) Transfer from the Income Tax Collections	24,593,811
(6) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	1,456,202
(7) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	817,209
(8) Transfer from the gross proceeds of Financial Institu- tion Excise Tax Collections.....	397,727
(9) Transfer from the gross proceeds of Gasoline Tax Collections.....	8,513,081
(10) Transfer from the gross proceeds of Motor Carrier Mileage Tax Collections	200
(11) Transfer from the gross proceeds of Motor Fuel Tax Collections	1,747,714
(12) Transfer from the gross proceeds of Motor Vehicle License Collections	1,318,450
(13) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,365,083
(14) Transfer from the gross proceeds of Sales Tax Col- lections	26,126,047
(15) Transfer from the gross proceeds of Use Tax Collec- tions.....	2,281,464
(16) Transfer from the gross proceeds of the Aviation Fuel Tax Collections	1,903

(17) Transfer from the gross proceeds of the Contractors' Gross Receipts Privilege Tax Collections.....	51,845		
(18) Transfer from the gross proceeds of the Hydroelectric Privilege Tax Collections	3,859		
(19) Transfer from the gross proceeds of the Lubricating Oil Excise Tax.....	5,657		
(20) Transfer from the gross proceeds of the Nursing Facility Privilege Tax Collections.....	67,105		
(21) Transfer from the gross proceeds of the Pharmaceutical Services Privilege Tax Collections.....	13,937		
(22) Transfer from the gross proceeds of the Store License Tax Collections	1,155		
(23) Transfer from the gross proceeds of the Tobacco Tax Collections	62,781		
(24) Transfer from the gross proceeds of the Utility Tax Collections.....	5,065,461		
(25) Transfer from the proceeds of the Forest Severance Tax Collections.....	146,424		
Total Revenue, Department of.....	267,843	79,057,417	79,325,260

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department for collections of the taxes as authorized by law. Provided, however, in

addition to the amount herein-above appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

121. ST. STEPHENS HISTORICAL COMMISSION:

(a) Historical Resources Management Program.....	133,825
(b) Capital Outlay Program	116,175

SOURCE OF FUNDS:

(1) State General Fund.....	250,000	
Total St. Stephens Historical Commission.....	250,000	250,000

122. SECRETARY OF STATE:

(a) Administrative Support Services Program.....	2,374,047
--	-----------

Of the above appropriation, \$300,000 shall be expended for attorney fees related to reapportionment cases.

SOURCE OF FUNDS:

(1) State General Fund.....	1,119,903	
(2) Corporations Fund	828,501	
(3) Electronic Voting Fund	5,299	
(4) Home Inspectors Registration Fund	50,000	

As provided in Section 34-14B-6, Code of Alabama 1975.

(5) UCC and Farm Indexing Fund	370,344	
Total Secretary of State.....	1,119,903	1,254,144 2,374,047

123. SECURITIES COMMISSION:

(a) Regulatory Services Program	3,733,993
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The above appropriation includes a transfer to the State General Fund of \$1,200,000 to be made in four equal amounts at the beginning of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Industrial Revenue Bond Notification Fund	40,000	
(2) Sale of Checks Fund.....	10,000	
(3) Securities Commission Fund	2,483,993	
(4) Securities Commission Fund - Transfer to the State General Fund.....	1,200,000	
Total Securities Commission	3,733,993	3,733,993

124. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program.....	15,899
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To be expended in accordance with Sections 41-9-740 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	15,899	
Total Senior Citizens Hall of Fame, Alabama.....	15,899	15,899

125. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	182,238
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund	182,238
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As provided in Section 34-30-6, Code of Alabama 1975.

Total Social Work Examiners, Alabama State Board of	182,238	182,238
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126. SOIL AND WATER CON-
SERVATION COMMITTEE,
STATE:

(a) Water Resource Develop- ment Program	1,815,626
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Of the above appropriation,
\$50,000 shall be allocated to
the Sand Mountain - Lake
Guntersville Watershed
Conservancy District.

(b) Professional and Occupa- tional Licensing and Regula- tion Program	5,000
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(c) R C and D Program	300,000
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SOURCE OF FUNDS:

(1) State General Fund	1,924,626
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(2) Departmental Receipts	191,000
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(3) Soil Classifiers Fund	5,000
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As provided in Section 34-32-19,
Code of Alabama 1975.

Total Soil and Water Conser- vation Committee, State	1,924,626	196,000	2,120,626
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127. SOUTHERN GROWTH
POLICIES BOARD:

(a) Special Services Program ..	28,943
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SOURCE OF FUNDS:

(1) State General Fund	28,943
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Total Southern Growth Poli- cies Board	28,943	28,943
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128. SPEECH PATHOLOGY
AND AUDIOLOGY, ALA-
BAMA BOARD OF EXAM-
INERS FOR:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	114,875
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SOURCE OF FUNDS:

- (1) Alabama Board of Examiners for Speech Pathology and Audiology Fund

114,875

As provided in Section 34-28A-44, Code of Alabama 1975.

Total Speech Pathology and Audiology, Alabama Board of Examiners for.....

114,875

114,875

129. SPORTS HALL OF FAME, ALABAMA:

- (a) Historical Resources Management Program

200,000

SOURCE OF FUNDS:

- (1) State General Fund.....

200,000

Total Sports Hall of Fame, Alabama

200,000

200,000

130. SURFACE MINING COMMISSION, ALABAMA:

- (a) Industrial Safety and Accident Prevention Program

2,397,454

SOURCE OF FUNDS:

- (1) State General Fund - Transfer

372,073

- (2) Bond Forfeiture/Reclamation Projects, Estimated

750,000

As provided in Section 9-16-103, Code of Alabama 1975.

- (3) Federal and Local Funds....

939,604

- (4) Surface Mining Commission-Fees

335,777

Total Surface Mining Commission, Alabama

372,073

2,025,381

2,397,454

131. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:

- (a) Promotional Development Program

353,230

To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	114,010		
(2) Admissions and Concessions.....		239,220	
Total Tennessee Valley Exhibit Commission of Alabama	114,010	239,220	353,230

132. TENNESSEE-TOMBIG-BEE WATERWAY DEVELOPMENT AUTHORITY:

(a) Water Resource Development Program			103,300
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SOURCE OF FUNDS:

(1) State General Fund.....	103,300		
Total Tennessee-Tombigbee Waterway Development Authority	103,300		103,300

133. TOURISM AND TRAVEL, BUREAU OF:

(a) Tourism and Travel Promotion Program			8,688,993
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SOURCE OF FUNDS:

(1) State General Fund.....	1,262,089		
(2) Lodgings Tax (\$0.01).....		7,426,904	
Receipts collected under the provisions of Sections 40-26-1 et seq., Code of Alabama 1975.			
Total Tourism and Travel, Bureau of.....	1,262,089	7,426,904	8,688,993

Any unencumbered balance remaining from the appropriation made to the Bureau of Tourism and Travel from the State General Fund for the fiscal year ending September 30, 1998, and reverted to the State General Fund is hereby reappropriated to the Bureau of Tourism and Travel for the fiscal year beginning October 1, 1998.

134. TRANSPORTATION,
DEPARTMENT OF:

(a) Central Administration Program	34,588,455
(b) Division and District Super- vision Program.....	33,264,942
(c) Operations and Support Services Program.....	11,029,147
(d) Maintenance Program	203,858,858
(e) Non-Programmatic Pro- grams.....	9,781,592

Proposed spending plan for
the above (e) includes the
following:

Equipment - Other than
Automotive5,334,656

Debt Service4,446,936

(f) Construction-Federal Aid Program	518,460,973
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Proposed spending plan for
the above (f) includes the
following:

Federal Aid
Matching112,547,438

Non-Participating Work on
Federal Projects1,000,000

Federal Aid.....404,913,535

(g) Construction-State Pro- gram	25,500,000
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(h) Operations-Land and Buildings Program	1,912,072
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(i) Industrial Access Program...	12,300,000
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Of the above appropriation,
\$250,000 shall be expended
for industrial access roads
for the City of Guntersville
Industrial Park.

(j) Captive County Health Insurance Program.....	168,480
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(k) Transfer to Department of Public Safety, in accordance with Act 91-797	3,500,000
(1) Debt Service, General Obligation Refunding Bonds, 1992 Series A and B	22,895,907

SOURCE OF FUNDS:

(1) State General Fund - Transfer	125,000	
(2) Federal Aid		404,913,535
(3) Public Road and Bridge Fund		468,721,891

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$4,446,936 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall

not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation: (1) the appropriation made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriations were made. In addition to all appropriations hereinabove made there is hereby appropriated to the Department of Transportation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

- (4) Public Road and Bridge Fund-for transfer to Department of Public Safety

3,500,000

Total Transportation, Department of	125,000	877,135,426	877,260,426
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135. TREASURER, STATE:

(a) Fiscal Management Program			7,934,840
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SOURCE OF FUNDS:

(1) State General Fund.....	2,618,195		
(2) Departmental Receipts		134,375	
(3) Prepaid Affordable College Tuition Fund		4,392,218	
(4) Unclaimed Property Administrative Fund.....		790,052	

As provided in Section 35-12-39, Code of Alabama 1975.

Total Treasurer, State.....	2,618,195	5,316,645	7,934,840
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136. UNIFORM STATE LAWS, ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated.....			30,000
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SOURCE OF FUNDS:

(1) State General Fund.....	30,000		
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As provided in Section 41-9-374, Code of Alabama 1975.

Total Uniform State Laws, Alabama Commission on.....	30,000		30,000
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137. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program			13,498,079
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Of the above appropriation, \$7,500 shall be allocated to the Veteran's Day Committee of Birmingham and \$25,000 shall be allocated for the Veterans Museum and Archives.

SOURCE OF FUNDS:

(1) State General Fund.....	3,293,614		
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(2) Veterans' Assistance Fund..	2,000,000		
(3) Veterans' Home Trust Fund - Transfer	8,204,465		
Total Veterans' Affairs, Department of	3,293,614	10,204,465	13,498,079
138. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			350,000
SOURCE OF FUNDS:			
(1) State Board of Veterinary Medical Examiners Fund.....		350,000	
As provided in Section 34-29-70, Code of Alabama 1975.			
Total Veterinary Medical Examiners, Alabama State Board of		350,000	350,000
139. VOTER REGISTRATION IDENTIFICATION PROGRAM:			
(a) Special Services Program ..			458,360
SOURCE OF FUNDS:			
(1) State General Fund.....	402,360		
(2) Voter Registration Fund ..		56,000	
Total Voter Registration Identification Program	402,360	56,000	458,360
140. WOMEN'S COMMISSION, ALABAMA:			
(a) Employment and Social Opportunities Program			20,200
SOURCE OF FUNDS:			
(1) State General Fund.....	20,200		
Total Women's Commission, Alabama	20,200		20,200
141. WOMEN'S HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			13,100

SOURCE OF FUNDS:

(1) State General Fund.....	13,100	
Total Women's Hall of Fame, Alabama	13,100	13,100

142. YOUTH SERVICES,
DEPARTMENT OF:

(a) Youth Services Program ...	15,973,108
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Of the above appropriation, the sum of \$50,000 shall be allocated to the Juvenile Justice Coordinating Council of St. Clair County; \$75,000 shall be allocated to Coosa Valley Youth Services; \$50,000 shall be allocated to the Tuscaloosa Regional Detention Center; \$50,000 shall be allocated for the "Time Out" Program for the Juvenile Court System in Elmore County; \$25,000 shall be expended to train Juvenile Probation Officers in mediation/dispute resolution; and \$250,000 shall be allocated for the expansion of in-school suspension programs. The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975.

(b) Youth Services - Boot Camp Programs	4,075,000
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Of the above appropriation, \$100,000 shall be allocated to the Baldwin County Boot Camp.

SOURCE OF FUNDS:

(1) State General Fund - Boot Camp Programs	4,075,000
(2) State General Fund-Juvenile Probation Officers Sub- sidy	6,369,000

(3) State General Fund- Youth Services	9,604,108	
Total Youth Services, Depart- ment of.....	20,048,108	20,048,108

The above appropriation shall include at least \$103,425 for those nonsecure programs funded in fiscal year 1997-98. In addition to the above appropriation, there is hereby appropriated \$2,000,000 from the State General Fund to the Department of Youth Services to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

2D. OTHER:

1. ARREST OF ABSCOND- ING FELONS:

(a) Criminal Investigation Program, Estimated	60,450
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SOURCE OF FUNDS:

(1) State General Fund.....	60,450
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As provided in Sections 15-9-1
and 15-9-3, Code of Alabama
1975.

Total Arrest of Absconding Felons	60,450	60,450
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2. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Esti- mated	82
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SOURCE OF FUNDS:

(1) State General Fund.....	82
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As provided in Sections
12-22-150 and 12-22-241,
Code of Alabama 1975.

Total Automatic Appeal Ex- pense	82	82
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3. COUNTY GOVERNMENT
CAPITAL IMPROVEMENT
FUND:

(a) Capital Improvement Program, Estimated.....	6,000,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	6,000,000
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In accordance with Section 11-29-5, Code of Alabama 1975.

Total County Government Capital Improvement Fund...	6,000,000	6,000,000
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4. COURT ASSESSED COSTS
NOT PROVIDED FOR:

(a) Special Services Program, Estimated.....	2,000,000
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As provided in Sections 22-52-14, 30-4-96, 26-17-17, 22-11A-1 through 22-11A-41, 12-15-71 and 12-21-131, Code of Alabama 1975.

(b) Legal Advice and Legal Services Program.....	250,000
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It is the intent of the Legislature that the appropriation in this subsection be expended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.

(c) Automatic Appeal Cases Expense Program	40,000
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The above appropriation shall be used to reimburse reasonable expenses incurred by

attorneys representing defendants under sentence of death in state collateral proceedings, such as those under Rule 32 of the Rules of Criminal Procedure. Provided, in no case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund.....	250,000	
(2) State General Fund - Automatic Appeal Cases	40,000	
(3) State General Fund, Estimated	2,000,000	
Total Court Assessed Costs Not Provided For.....	2,290,000	2,290,000

5. COURT COSTS - ACT NO. 558, 1957:

(a) Court Operations Program, Estimated	200
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SOURCE OF FUNDS:

(1) State General Fund.....	200	
Pursuant to Act No. 558, 1957, Page 777.		
Total Court Costs - Act No. 558, 1957	200	200

6. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Services Program, Estimated..	296,940
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SOURCE OF FUNDS:

(1) State General Fund.....	296,940	
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As provided in Sections
36-14-1, 36-14-11, 17-22A-11,
and 41-21-8, Code of Ala-
bama 1975.

Total Distribution of Public Documents.....	296,940	296,940
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7. DOCKS TRANSFER,
STATE:

(a) State Docks Program	3,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	3,500,000
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The above appropriation to
the State Docks shall be
conditioned upon the avail-
ability of funds and shall
remain in the State General
Fund until a demonstrated
need is determined and
recommended by the Di-
rector of Finance and ap-
proved by the Governor.

Total Docks Transfer, State ...	3,500,000	3,500,000
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8. ELECTION EXPENSES:

(a) Special Services Program, Estimated.....	4,000,000
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(b) Training of Election Offi- cials	72,694
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For payment of expenses pur-
suant to the court order en-
tered by the U.S. District
Court, Middle District of
Alabama in Civil Action No.
84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund.....	72,694
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(2) State General Fund- Estimated.....	4,000,000
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As provided in Section 17-21-6,
Code of Alabama 1975.

Total Election Expenses	4,072,694	4,072,694
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9. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program ..		1,000,000
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SOURCE OF FUNDS:

(1) State General Fund.....	1,000,000	
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This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office, or agency; provided, however, it is the intent of the Legislature that (1) as much as necessary, not to exceed \$100,000, of the appropriation made within this subsection shall be expended for the legal expenses incurred by the Office of the President of the Senate or the Office of the Lieutenant Governor; and (2) that as much as necessary, not to exceed \$100,000, of the appropriation made within this subsection shall be expended for the legal expenses incurred by the Speaker of the House of Representatives. None of the above appropriation shall be transferred to the Governor's Contingency Fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office, or agency, the Director of Finance shall notify the Chairman of

the Senate Committee on Economic Expansion and Trade, the Chairman of the House Committee on Ways and Means, and the Director of the Legislative Fiscal Office of such pending transfer.

Total Emergency Fund, Departmental	1,000,000	1,000,000
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10. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated		6,844,000
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SOURCE OF FUNDS:

(1) State General Fund - Transfer	6,844,000	
Total Fair Trial Tax Transfer ..	6,844,000	6,844,000

11. FEEDING OF PRISONERS:

(a) Institutional Services - Corrections Program, Estimated		5,200,000
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SOURCE OF FUNDS:

(1) State General Fund	5,200,000	
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For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners	5,200,000	5,200,000
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12. FINANCE - CMIA, DEPARTMENT OF:

(a) Fiscal Management Program, Estimated		500,000
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SOURCE OF FUNDS:

(1) State General Fund	500,000	
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As provided in Section 41-4-38, Code of Alabama 1975.

Total Finance - CMIA, Department of	500,000	500,000
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13. FINANCE - EMPLOYEES' SUGGESTION AWARDS PROGRAM, DEPARTMENT OF:

(a) Fiscal Management Program..... 10,000

SOURCE OF FUNDS:

(1) State General Fund..... 10,000

In accordance with Section 36-1-7, Code of Alabama 1975.

Total Finance - Employees' Suggestion Awards Program, Department of	10,000	10,000
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14. FINANCE - FEMA, DEPARTMENT OF:

(a) Readiness and Recovery Program, Estimated 1,000,000

Payments of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency.

SOURCE OF FUNDS:

(1) State General Fund..... 1,000,000

Total Finance - FEMA, Department of	1,000,000	1,000,000
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The above appropriation to the Department of Finance-FEMA from the State General Fund is conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the Federal Emergency Management Agency or the U.S. Soil and Conservation Service for the State of Alabama to pay a state match for FEMA or SCS grants. In addition to the above appropriation, there is hereby

appropriated \$1 million for the Elba Flood disaster to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

15. FOREST FIRE FUND, EMERGENCY:

(a) Forest Resources Protection and Development Program	180,000
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SOURCE OF FUNDS:

(1) State General Fund - Transfer	180,000
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The appropriation to the Emergency Forest Fire Fund shall be conditioned as provided by Section 9-3-10.1, Code of Alabama 1975, and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total Forest Fire Fund, Emergency.....	180,000	180,000
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16. FREDDIE LEE GAINES:

(a) Special Services Program....	100,000
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In accordance with Act 96-579.

SOURCE OF FUNDS:

(1) State General Fund.....	100,000	
Total Freddie Lee Gaines	100,000	100,000

17. GOVERNOR'S CONFERENCE, NATIONAL:

(a) Executive Direction Program, Estimated	73,000
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SOURCE OF FUNDS:

(1) State General Fund.....	73,000	
Total Governor's Conference, National	73,000	73,000

18. GOVERNOR'S PROCLAMATION EXPENSES:

(a) Executive Direction Program, Estimated	200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	200,000
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As provided in Section 17-14-21,
Code of Alabama 1975.

Total Governor's Proclamation Expenses.....	200,000	200,000
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19. GOVERNOR'S WIDOW RETIREMENT:

(a) Executive Direction Program, Estimated	14,400
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SOURCE OF FUNDS:

(1) State General Fund.....	14,400
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As provided in Section 36-13-12,
Code of Alabama 1975.

Total Governor's Widow Retirement.....	14,400	14,400
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20. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program, Estimated.....	137,200
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SOURCE OF FUNDS:

(1) State General Fund.....	137,200
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As provided in Sections
28-4-311 and 28-4-312, Code
of Alabama 1975.

Total Law Enforcement Fund..	137,200	137,200
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21. LAW ENFORCEMENT LEGAL DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated..	2,000
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SOURCE OF FUNDS:

(1) State General Fund.....	2,000
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To carry out provisions of
Section 36-21-1, Code of Ala-
bama 1975.

Total Law Enforcement Legal Defense	2,000	2,000
<hr/>		
22. MILITARY - EMERGENCY ACTIVE DUTY PAY:		
(a) Military Operations Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund.....	200,000	
As provided in Section 31-2-133, Code of Alabama 1975.	<hr/>	
Total Military - Emergency Active Duty Pay	200,000	200,000
<hr/>		
23. MUNICIPAL GOVERNMENT CAPITAL IMPROVEMENT FUND:		
(a) Capital Improvement Program, Estimated		6,000,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	6,000,000	
In accordance with Section 11-66-5, Code of Alabama 1975.	<hr/>	
Total Municipal Government Capital Improvement Fund...	6,000,000	6,000,000
<hr/>		
24. PRINTING OF CODE SUPPLEMENTS - LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program, Estimated ..		114,880
SOURCE OF FUNDS:		
(1) State General Fund	114,880	
As provided in Section 29-7-6 Code of Alabama 1975.	<hr/>	
Total Printing of Code Supplements - Legislative Reference Service	114,880	114,880
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It is the intent of the Legislature that the number of Codes and Supplements printed and distributed shall be limited to		

the minimum number actually needed, utilized, and required by law. Procedures should be adopted to verify the need and utility of required printed sets to insure printing costs savings when possible.

25. PRINTING OF CODES AND SUPPLEMENTS - SECRETARY OF STATE:

(a) Administrative Support Services Program, Estimated.. 121,317

SOURCE OF FUNDS:

(1) State General Fund..... 121,317

As provided in Sections 41-21-1 through 41-21-8 and 41-4-154, Code of Alabama 1975.

Total Printing of Codes and Supplements - Secretary of State ...	121,317	121,317
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It is the intent of the Legislature that the number of Codes and Supplements printed and distributed shall be limited to the minimum number actually needed, utilized, and required by law. Procedures should be adopted to verify the need and utility of required printed sets to insure printing cost savings when possible.

26. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:

(a) Administrative Support Services Program, Estimated.. 443,385

SOURCE OF FUNDS:

(1) State General Fund 443,385

As provided in Sections 41-4-130 through 41-4-161, Code of Alabama 1975.

Total Printing of Legislative Acts and Journals	443,385	443,385
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27. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated	2,800,000
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SOURCE OF FUNDS:

(1) State General Fund	2,800,000
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In accordance with Sections
17-4-126 and 17-4-153, Code
of Alabama 1975.

Total Registration of Voters ...	2,800,000	2,800,000
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28. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Pro- gram, Estimated	450,000
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SOURCE OF FUNDS:

(1) State General Fund.....	450,000
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As provided in Sections 15-10-70
through 15-10-73, 15-9-62,
15-9-65, and 15-9-81, Code of
Alabama 1975.

Total Removal of Prisoners.....	450,000	450,000
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29. STATE GENERAL FUND,
ESTIMATED:

(a) Heritage Trust Fund Pro- gram.....	54,000,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income Fund - Transfer, Estimated	54,000,000
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All income other than income
realized on the sale of Trust
Fund assets and not otherwise
appropriated herein.

Total State General Fund, Estimated.....	54,000,000	54,000,000
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Section 3. Except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. The amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein

except as may be provided for under Sections 8 and 10 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

Section 4. In addition to the amounts otherwise appropriated in this act, there is hereby appropriated from the several funds in the State Treasury listed in this act and in the same proportion as the salaries of the several state officials and employees are paid, such additional amounts as may be necessary to pay an amount equivalent to one-quarter of the cost of the salary increase provided in Act 98-134. The additional amounts appropriated from the State General Fund shall not exceed \$9,300,000 for the fiscal year ending September 30, 1999. The Finance Director shall ensure that first priority shall be given to all general fund payrolls. The remainder of this appropriation from the State General Fund may be allotted by the Finance Director to those agencies which receive transfers from the State General Fund. It is the intent of the Legislature that the remainder of the costs of the pay increase granted in Act 98-134 shall be paid in part from the funds made available by the reduction in the employer rates of the Employees' and Teachers' Retirement Systems and the Judicial Retirement Fund which become effective on the first pay period in October, 1998 and in part with funds appropriated in Section 5.

Section 5. In addition to the amounts otherwise appropriated in this act, there is hereby appropriated from the several funds in the State Treasury listed in this act (except the State General Fund) such additional amounts as may be necessary to pay an additional amount equivalent to one-quarter of the cost of the salary increase provided in Act 98-134.

Section 6. In addition to any other appropriations or transfers made in this act, there is hereby transferred to the State General Fund, to be included in the appropriations made from the State General Fund by this act, the following amounts of prior years State General Fund capital outlay monies which were unexpended as of April 1, 1998.

(a) \$1,000,000 previously appropriated to the Alabama Building Renovation Finance Authority;

(b) \$948,006 previously appropriated to the Department of Corrections; and

(c) \$4,000,000 previously appropriated to the Alabama Legislature.

Section 7. Any surplus remaining in any appropriation herein made from the State General Fund to any office, department,

bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

Section 8. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

Section 9. Upon certification to the Director of Finance by the State Attorney General that a federal court has ordered the State of Alabama to pay claims, attorney fees, or other costs relating to said court order, funds are hereby appropriated to the affected department, board, bureau, or commission from the appropriate fund or funds of such department, board, bureau or commission in the amount necessary to satisfy that court order. Such appropriations are in addition to any other appropriation heretofore or hereafter made in this appropriation act. Such appropriations are conditioned upon the availability of funds and a determination by the Director of Finance that other current appropriations are not available for the court-ordered payments.

Section 10. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

Section 11. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal

year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

Section 12. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this act. All agencies enumerated in this act and receiving services from other governmental agencies enumerated in this act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

Section 13. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of the Department of Transportation and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. The Department of Public Safety may transfer surplus automobiles (those with over 100,000 miles) without the approval required in this section. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

Section 14. It is the intent of the Legislature that the Finance Director shall notify the chair of the House Committee on Ways and Means and the Chair of the Senate Committee on Economic Expansion and Trade of any inter-agency transfers, of any type, including contracting, of any of the funds appropriated in this act.

Section 15. If any section, paragraph, sentence, clause, provision or portion of this act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 16. All laws or parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this act be and the same are hereby expressly repealed.

Section 17. It is the intent of the Legislature that each agency receiving an appropriation in this appropriations act shall certify to the Department of Finance that it has a plan for its data processing and other computerized systems to become Year 2000 compliant. As part of the annual plan of operation, each agency shall certify in writing that the Year 2000 compliance plan is or will be implemented in a timely manner. This plan shall encompass those programs which are critical and necessary to the essential delivery of services to citizens, local governments, the federal government and other state entities. Each Year 2000 compliance plan shall be based on standards for data storage and exchange as established by the Department of Finance. The provisions of this section shall not apply to the Legislature, legislative agencies, the judicial branch, the Department of Public Safety nor the Criminal Justice Information Center.

Section 18. Each agency of the State funded through the provisions of this act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 19. This act shall become effective October 1, 1998.

Approved May 1, 1998

Time: 9:04 A.M.

Act No. 98-497

H. 319 – Reps. Fuller, Hall (L), Knight (J),
Carothers, Hammett, Clark (J),
McDaniel, Turnham, Lindsey,
McMillan, Flowers, Kennedy,
Turner, Wren, Allen, Smith,
Morrison, Venable, Gipson,
Collins, Sanderford, Hooper,
Dolbare, Buskey, Page,
Seibenhener and Pringle

AN ACT

To implement the provisions of an amendment to the Constitution of Alabama of 1901, as amended, authorizing the State to become indebted and to sell and issue not in excess of \$52,000,000 in principal amount of general obligation bonds of the State for the

purpose of providing animal diagnostic laboratories, agricultural and forestry research and educational facilities, and veterinary medicine instructional and research facilities; to authorize Alabama Agricultural Development Authority to sell and issue for the State said bonds and refunding bonds therefor contingent upon the ratification by the qualified electors of the State of said constitutional amendment authorizing such issue; to provide that the said Authority shall specify the form and details of said bonds; to provide for the issuance of said bonds in series; to provide for the sale of said bonds; to provide for the temporary investment of the proceeds of said bonds; to provide for the payment of the expenses of issuance of said bonds; to provide for the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to said amendment and this act; to provide for the use of proceeds derived therefrom; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to implement that certain constitutional amendment authorizing the issuance by the State of \$52,000,000 in principal amount of its general obligation bonds, which amendment was proposed by an act adopted at the 1998 Regular Session of the Legislature, the Alabama Agricultural Development Authority shall, in addition to all other powers that may be exercised by said Authority, have the power to issue and sell for the State, subject to the approval of the Governor, interest bearing general obligation bonds of the State not in excess of \$52,000,000 in principal amount, as authorized by said amendment. Such bonds shall not be obligations of said Authority but shall be general obligations of the State of Alabama with the full faith and credit and taxing power of the State to be pledged to the prompt and faithful payment of the principal thereof and the interest and redemption premium (if any) thereon. The proceeds from the sale of such bonds shall be used exclusively for the purposes described in the aforesaid constitutional amendment. Such bonds may be sold and issued in one or more series at any time and from time to time, may have such series designations, may be in such forms, principal amounts, denominations and numbers, may be of such tenor and maturities, may bear such date or dates, may be payable in such installments and at such time or times, may be payable at such place or places within or without the State, may bear interest at such rate or rates payable and evidenced in such manner, may contain provisions for redemption at the option of the State to be exercised by said Authority on such date or dates prior to their respective maturities and upon payment of such redemption price or prices, and may contain such other provisions not inconsistent with the provisions of said amendment and this act, all as shall be provided by the board of directors of said Authority in the resolution or resolutions pursuant to which such bonds shall be authorized, sold, and issued.

Section 2. The bonds of each series issued pursuant to this act may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof, and the principal of the bonds of each such series shall mature or be subject to mandatory redemption according to such schedule as the board of directors of said Authority shall

determine in the resolution authorizing the issuance of such series. Provided, however, no bonds shall be sold nor counsel or other professional hired or retained by the authority prior to February 1, 1999. Such bonds may be made subject to redemption prior to their respective maturities, at the option of the State, on such terms and conditions as shall be provided by the board of directors of said Authority in the resolution authorizing the issuance of such series. Any or all of such bonds subject to redemption at the option of the State may be called for redemption by the said Authority pursuant to a resolution adopted by the board of directors thereof if pursuant to appropriations theretofore made by the Legislature, the moneys required for such redemption are at the time held in the State Treasury or if such redemption is to be effected with moneys provided by the sale and issuance of refunding bonds issued pursuant to the aforesaid amendment and as provided for in this act. The said Authority may specify the terms and conditions under which any of the bonds authorized pursuant to the aforesaid amendment may be exchanged for like bonds of other denominations as the Authority may prescribe.

Section 3. The bonds of each series thereof issued pursuant to this act shall be sold by said Authority at public sale as provided in the aforesaid amendment. Said bonds shall be executed in the name of the State by the Governor and countersigned by the Chairman of the said Authority, and the Great Seal of the State shall be impressed thereon and attested by the Secretary of State. A facsimile of the signature of each such official may be imprinted on any of said bonds in lieu of being manually inscribed thereon, and a facsimile of the Great Seal of the State may be printed on said bonds in lieu of such seal being manually impressed thereon. Each such facsimile signature shall be valid in all respects as if the officials whose facsimile signatures are so used had signed said bonds in person, and any facsimile of the Great Seal of the State so used shall be valid in all respects as if such seal had been manually impressed on said bonds. In the event any official who shall sign any of said bonds or whose facsimile signature shall appear thereon shall thereafter cease to hold office before such bonds are delivered and paid for, such bonds shall nevertheless be valid for all purposes to the same extent as if the official who signed such or whose facsimile signature appears thereon had remained in office until all of the said bonds bearing such signature or facsimile thereof shall have been delivered and paid for.

Section 4. The proceeds derived from the sale of each series of the bonds issued pursuant to Section 1 of this act shall be paid into the State Treasury upon receipt thereof, and the State Treasurer shall keep such proceeds, as well as all income received from the investment and reinvestment of such proceeds (including income derived from the investment and reinvestment of previously derived income), in a special fund in the State Treasury, designated "The Alabama Agricultural, Forestry, and

Veterinary Medicine Facilities Improvement Funds,” pending the expenditure of such proceeds and income for the purposes hereinafter authorized and as required by said amendment. All proceeds so deposited in the State Treasury shall be continuously invested by the State Treasurer in investments of the same kind as those in which the State Treasurer is at the time legally authorized to invest moneys held in the General Fund of the State, and as and when income from the investment of such proceeds is received, such income shall be kept continuously invested in the same manner as such proceeds; provided, however, that notwithstanding any legal limitation that might otherwise be applicable, the State Treasurer shall have the Authority to invest such proceeds and income in certificates of deposit of any savings and loan association, whether federally or State chartered, whose principal office is located in the State. The State Treasurer, acting on projections of expenditures provided by the Director of Finance, shall keep all such proceeds, together with the income derived from the investment and reinvestment thereof, invested in investments which shall mature or otherwise be subject to liquidation on such terms as will provide cash when required for the purposes for which bonds may be issued pursuant to Section 1 of this act.

Section 5. Upon order of the board of directors of said Authority, all expenses incurred in connection with the authorization, preparation, sale, and issuance of bonds authorized herein and by the aforesaid amendment shall be paid out of the proceeds thereof. The proceeds thereof remaining after payment of such expenses, together with the income derived from the investment and reinvestment of such proceeds (including income derived from the investment and reinvestment of previously derived income) shall be disbursed from time to time on the order of said Authority for payment of costs incurred in carrying out the purposes authorized in said amendment, as follows: (1) the sum of \$13,000,000 shall be used for providing and improving animal diagnostic laboratories in the State in order to provide improved animal health testing for livestock and poultry producers, veterinarians, animal owners and animal-related businesses generally; (2) the sum of \$18,200,000 shall be used for providing and improving agricultural and livestock educational and research facilities in the State; (3) the sum of \$11,300,000 shall be used for providing and improving forestry, plant science and nursery crop educational and research facilities in the State; (4) the sum of \$8,000,000 shall be used for providing and improving veterinary medicine instructional and research facilities in the State; and (5) the sum of \$1,500,000 shall be used for providing structures and offices for use by the Alabama Agricultural Experiment Station System at regional research extension centers. Disbursements for such purposes shall be made taking into account matching or other funds at the time available to pay a portion of the costs of facilities as aforesaid, and said Authority is authorized to provide for and coordinate the expenditure of the aforesaid bond proceeds and of such

matching or other funds in providing said facilities through agreements to be entered into with the State's Morill Act land grant universities and those institutions eligible under the provisions of Title 7, Sections 3221, 3222, 3222(b), and 3222(c), United States Code, to receive federal appropriations in support of agriculture and forestry extension and research and for the acquisition and improvement of agricultural and food sciences facilities and equipment, and such other agencies and institutions as shall be determined to be appropriate and convenient therefor. The said Authority shall also ensure that not less than approximately \$7,500,000 of the aforesaid proceeds remaining after payment of expenses as aforesaid and investment income is disbursed to provide for facilities under the control of Alabama Agricultural and Mechanical University. The costs of architectural and supervisory services, from whatever source provided, shall be deemed to constitute a capital cost or outlay for which bond proceeds and investment income are authorized to be expended by the provisions of this act. Each building or facility constructed, expanded, renovated, altered or otherwise improved wholly or in part with such proceeds shall be constructed or improved pursuant to plans and specifications approved by said Authority and the technical staff of the Building Commission, and shall upon completion be operated by or in cooperation with the aforesaid land grant universities and institutions under arrangements to be entered into by the Authority and said universities and institutions respectively.

Section 6. Pursuant to the provisions of the aforesaid amendment and this act, the said Authority may, at any time and from time to time, issue for the State refunding bonds of the State for the purpose of refunding any or all of the bonds authorized by the aforesaid amendment then outstanding (including any refunding bonds that may have been previously issued), whether such refunding shall occur before, at or after the maturity of the bonds to be refunded. In the discretion of the said Authority, refunding bonds may be issued in exchange for such outstanding bonds or they may be sold and the proceeds thereof applied to the purchase, redemption or payment of such outstanding bonds. Refunding bonds to be issued in exchange for such outstanding bonds shall not be issued in a principal amount greater than the principal amount of the bonds to be refunded. Refunding bonds to be sold pursuant hereto may be issued in such principal amount or amounts as shall be determined by said Authority. Pending the application of the proceeds of refunding bonds issued in accordance with this section, such proceeds, together with investment income therefrom, and moneys in any sinking fund for the bonds to be refunded, together with investment income therefrom, may be held by the State Treasurer, in trust, or may be deposited by the State Treasurer, in trust, on such terms as the State Treasurer shall approve, with one or more trustees or escrow agents which trustees or escrow agents shall be trust companies or national or State banks having powers of a trust company within or without the

State, for investment in direct general obligations of, or obligations on which the payment of the principal of and interest on which are unconditionally and irrevocably guaranteed by, the United States of America. The proceeds of such refunding bonds, together with the investment income therefrom, and moneys in any sinking fund for the bonds to be refunded, together with investment income therefrom, shall be available for the payment of all or any part of the principal, interest, and redemption premium, if any, of the bonds to be refunded and of such refunding bonds, or any of them, as the said Authority in its discretion shall prescribe. Proceeds of such refunding bonds shall be so invested and applied as to assure that the principal, interest, and redemption premium, if any, on the bonds to be refunded thereby shall be paid in full on their respective maturity, interest, or redemption payment dates. The State Treasurer may contract with respect to the safekeeping and application of proceeds derived from the sale and issuance of such refunding bonds and other funds included therewith and the income therefrom, including the right to appoint a trustee which may be any trust company or national or State bank having powers of a trust company within or without the State. As provided in the aforesaid amendment, refunding bonds issued pursuant to the provisions of this act shall not be obligations of Alabama Agricultural Development Authority but shall be general obligations of the State of Alabama, and the full faith and credit and taxing power of the State are hereby irrevocably pledged for the prompt and faithful payment of the principal of all refunding bonds and the interest and redemption premium (if any) thereon. Except as herein expressly provided otherwise, all provisions of this act regarding the terms and conditions of the bonds to be issued pursuant to Section 1 of this act, as well as the sale, issuance, and execution thereof and the security therefor, shall apply to all refunding bonds issued hereunder.

Section 7. All bonds (including refunding bonds) issued pursuant hereto, and the income therefrom (including the interest income thereon) shall be free from all taxation by the State or any county, municipality, or other political subdivision or instrumentality of the State, excepting inheritance, estate, and gift taxes.

Section 8. If any provision of this act shall be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision hereof.

Section 9. This act shall become effective upon ratification by the qualified electors of the State as a part of the Constitution of Alabama of 1901, as amended, of the amendment thereto proposed by an act adopted at the 1998 Regular Session of the Legislature which authorizes the issuance of the general obligation bonds described herein.

Approved May 1, 1998

Time: 9:10 A.M.

Act No. 98-498

H. 519 – Rep. Fuller

AN ACT

To amend Section 27-4A-3, Code of Alabama, 1975 to provide that the percentage schedule of quarterly insurance premium tax payments be revised to increase the percentage due in November from 5% to 25%; to require that insurers file a statement with each quarterly payment, and to change the wording “Special Educational Trust Fund” to “Education Trust Fund”.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-4A-3 Code of Alabama 1975, amended to read as follows:

“Section 27-4A-3 Premium taxation rates.

(a) Subject to the exceptions and exemptions hereinafter set forth, for the year beginning on January 1, 1995, and for each year thereafter, every insurer shall pay to the commissioner a premium tax equal to the percentage, as set out in this subsection (a), of the premiums received by the insurer for business done in this state, whether the same was actually received by the insurer in this state or elsewhere:

(1) Premium Tax on Life Insurance Premiums.

a. Except as hereinafter provided, the rates of taxation on life insurance premiums shall be those amounts set out in the following schedule:

Year	Foreign Insurers	Domestic Insurers
1995	2.9	1.3
1996	2.8	1.6
1997	2.7	1.8
1998	2.5	2.1
Every Year Thereafter	2.3	2.3

b. Individual life insurance policies in a face amount of greater than \$5,000 and up to and including \$25,000, excluding group life insurance policies, shall be taxed at the rate of one percent per annum.

c. Individual life insurance policies in a face amount of \$5,000 or less, excluding group life insurance policies, shall be taxed at the rate of one-half percent per annum.

d. For the purposes of computing the face amount of life insurance policies, all life insurance policies issued within 60 days of

another on the life of the same applicant or applicants shall be treated as one policy.

(2) Premium Tax on Health Insurance Premiums.

a. Except as hereinafter provided, the rates of taxation on premiums for health insurance, and accident and health insurance for which a separate premium is charged, shall be those amounts set out in the following schedule:

Year	Foreign Insurers	Domestic Insurers
1995	2.9	1.3
1996	2.8	1.6
1997	2.4	1.6
1998	2.0	1.6
Every Year Thereafter	1.6	1.6

b. Premiums for hospital, medical, surgical, or other health care benefits provided pursuant to any employer sponsored plan for groups with less than 50 insured participants shall be taxed at the rate of one-half percent per annum.

c. Premiums for hospital, medical, surgical, or other health care benefits supplementary to Medicare and Medicaid, or provided pursuant to an employer sponsored plan for governmental employees, shall be exempt from the premium tax levied pursuant to this chapter.

(3) Premium Tax on Other Insurance Premiums.

a. Except as hereinafter provided, the rate of taxation on insurance other than life insurance, health insurance, and accident health insurance shall be 3.6 percent per annum.

b. Premiums for all of the following types of insurance shall be taxed at the rate of one percent per annum:

1. All property and multi-peril insurance written in fire protection Classes 9 and 10.

2. Mobile homes, mobile homeowners, homeowners and low value dwelling policies in a face amount of \$40,000 or less.

c. Premiums for medical liability insurance shall be taxed at the rate of 1.6 percent per annum.

d. The tax imposed at the rate specified in paragraph a. of this subdivision (3) shall be reduced by the following credits for certain economic development activities pursued in the State of Alabama.

1. Alabama Insurance Offices Facilities Credit. For each office owned or leased by an insurer in the State of Alabama and used for insurance operations, an insurer shall be entitled to a credit against the tax imposed by paragraph a. of this subdivision (3) according to the following schedule:

Number of Full Time Employees in Office	Credit as a % of Premiums Taxable Under Paragraph a.
1 – 3	0.0025%
4 – 10	0.0050%
11 – 50	0.0075%
51 or more	0.0100%

The total credit allowable for Alabama insurance office facilities shall not exceed one percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

2. Alabama Real Property Investment Credit. For each \$1,000,000 in value of real property investments in the State of Alabama, an insurer shall be entitled to a credit of 0.10 percent of its Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3). The total credit allowable for Alabama real property investments shall not exceed 1 percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

(i) Alabama real property investments which qualify for the Alabama real property investment credit include any improved Alabama real property owned by the insurer or an affiliate of the insurer on January 1, 1993, and any improved or unimproved Alabama real property acquired or new construction placed in service on or after January 1, 1993, by the insurer or an affiliate of the insurer.

(ii) For purposes of determining the Alabama real property investment credit, Alabama real property investments shall be valued at cost and not at book value or fair market value. The cost of capital improvements to existing Alabama real property investments, such as the renovation of shopping centers, hotels, or other buildings, completed and placed in service by the insurer or an affiliate of the insurer on or after January 1, 1993, shall be considered an Alabama real estate investment.

(iii) For purposes of determining the value of Alabama real property investments, funds borrowed to finance Alabama real property investments shall be subtracted from cost so that only the

net cost in the investment properties borne from assets belonging to the insurer or an affiliate of the insurer qualifies for the Alabama real property investment credit. The cost of debt-financed Alabama real property investments of an insurer shall be increased pro tanto as the underlying debt is paid off by the insurer or an affiliate of the insurer.

(iv) The Alabama real property investment credit shall not be allowed for properties in the State of Alabama used in an insurer's insurance operations and for which the Alabama insurance office facilities credit is allowed or allowable, without regard to the 1 percent limitation on the credit. However, the cost of real property owned in the State of Alabama and used in part as an Alabama real property investment and in part for the insurer's insurance operations shall be allocated on a square-foot basis so that the cost allocated to that portion of the property not used for insurance operations shall qualify for the Alabama real property investment credit.

(v) Mortgages held by an insurer that are secured by real property located in the State of Alabama shall not be considered Alabama real property investments for purposes of the Alabama real property investment credit.

3. Special Rules. The following special rules apply to the Alabama insurance office facilities credit and the Alabama real property investment credit.

(i) For purposes of determining the economic development credits allowed under this section, the term affiliate shall mean any business entity, other than a life or health insurance company, which is wholly owned by the insurer subject to tax under paragraph a. of this subdivision (3) or any other insurer and its wholly owned subsidiaries, other than a life or health insurance company, which is part of a group of companies, including the insurer, which are under common control and management. For an insurer having affiliates, all premiums of the insurer and its insurance company affiliates subject to tax at the rate specified in paragraph a. of this subdivision (3) may be aggregated; all Alabama insurance office facilities and all Alabama real property investments may be aggregated; and, subject to the specific credit limitations, the total allowable tax credits may be determined as if all the aggregated premiums, office facilities, and Alabama real property investments were owned by one insurer. Once the total allowable credits have been determined, the credits may be allocated to the insurer and its insurance company affiliates at the sole discretion of the insurer subject to the specific credit limitations on a per insurance company basis. The computation of allowable credits and their allocation to

affiliates shall be made on forms to be supplied by the Alabama Department of Insurance, which forms shall be filed with the insurer's annual statement. (ii) Economic development credits allowed to foreign insurers shall be treated as Alabama premium taxes paid by the insurers for purposes of calculating any retaliatory tax due under Section 27-3-29.

(b) Notwithstanding any provision of law to the contrary, including, but not limited to, Section 27-4-4 and Section 27-4-5, all premium tax payments made subsequent to passage of this chapter shall be remitted in accordance with this subsection (b). Beginning January 1, 1993, and all years thereafter, each insurer shall pay its premium taxes on a quarterly basis, as follows: on or before May 15, a payment estimated on the basis of 25 percent of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of its actual business done in the state from January 1 through March 31 of the same calendar year; on or before August 15, a payment estimated on the basis of 45 percent of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of 180 percent of its actual business done in this state from April 1 through June 30 of the same calendar year; on or before November 15, a payment estimated on the basis of 25 percent of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of its actual business done in this state from July 1 through September 30 of the same calendar year; on or before March 1, a payment in the amount of the remainder of the actual premium taxes due on its business done in the state during the preceding calendar year. Every authorized insurer shall file with the commissioner a statement, on a form as furnished or approved by the commissioner, setting forth the total amount of premiums received by it for business done in this state during the period covered by the tax payment. The statement shall be verified by an affidavit of an officer of the insurer having knowledge of the facts. It is the intent and meaning of this subsection (b) that any taxes paid on an estimated quarterly basis during the calendar year shall be reconciled to actual premiums received on risks in this state for such calendar year on the March 1 payment date in the succeeding calendar year.

(c) The tax imposed by this section shall be subject to credit and deduction of the full amount, with 25 percent of the full amount paid, or estimated to be paid, being credited or deducted on each quarterly payment date, for all of the following:

(1) Ad valorem property taxes paid by an insurer on any building and real estate in this state which is owned and occupied, in whole or in part, by the insurer for the full period of the tax year as its principal office in the State of Alabama.

(2) All ad valorem taxes paid by an insurer during the calendar year on any other real estate and improvements thereon in this state which is owned and at least 50 percent occupied by the insurer for the full period of the tax year.

(3) Ad valorem property taxes paid by an insurer on the insurer's offices in this state during the calendar year, but with respect to the office apportioned to the square foot area occupied by the insured, whether the ad valorem taxes are paid directly by the insurer or in the form of rent to a third-party landlord.

(4) All license fees and taxes paid to any county in this state during the calendar year for the privilege of engaging in the business of insurance within the county.

(5) All expenses of examination of the insurer by the commissioner paid during the calendar year.

(6) All license or privilege taxes on lists of securities paid by the insurer under Section 40-24-8, during the calendar year.

(7) All franchise taxes paid by the insurer to the State of Alabama for the calendar year.

(8) All credits for assessments as provided under Sections 27-42-16 and 27-44-13, or assessments for any insurance guaranty fund or pool now or hereafter created by statute paid during the calendar year.

(9) It is the intent of this subsection (c) that any estimated allowable credits or deductions claimed on quarterly returns be reconciled to actual expenditures made during the calendar year on the return due for March 1 in the succeeding calendar year.

(d) The premium taxes collected under this section shall be deposited in the State Treasury and credited as follows:

(1) To the credit of the State General Fund:

a. One hundred percent of the premium tax paid by all health maintenance organizations, domestic and foreign.

b. Fifty percent of the premium tax paid by domestic life insurers.

c. No part of the premium tax paid by non-profit corporations organized pursuant to the provisions of Sections 10-4-100 to 10-4-115, inclusive.

d. Twenty-five percent of the premium tax paid by all other domestic insurers.

e. One hundred percent of the premium tax paid by foreign life insurers.

f. Sixty-two and one-half percent of the premium tax by all other foreign property insurers.

g. Seventy-five percent of the premium tax paid by all other foreign insurers.

(2) To the credit of the Education Trust Fund:

a. Fifty percent of the premium tax paid by domestic life insurers.

b. No part of the premium tax paid by non-profit corporations organized pursuant to the provisions of Sections 10-4-100 to 10-4-115, inclusive.

c. Seventy-five percent of the premium tax paid by all other domestic insurers.

d. Thirty-seven and one-half percent of the premium tax paid by foreign property insurers.

e. Twenty-five percent of the premium tax paid by all other foreign insurers.

(3) To the credit of the Alabama Special Mental Health Trust Fund 100 percent of the premium taxes paid by nonprofit corporations organized pursuant to Sections 10-4-100 to 10-4-115, inclusive.

(4) Any provision of this subsection (d) to the contrary notwithstanding, the amount credited to the Education Trust Fund and the Alabama Special Mental Health Trust Fund for any fiscal year after the fiscal year ending September 30, 1992, under this subsection (d) shall be limited to no more than the amount so credited in the fiscal year ending September 30, 1992. Any premium tax that would have been credited to the Education Trust Fund or the Alabama Special Mental Health Trust Fund but for this limitation, shall be credited to the State General Fund."

Section 2. This bill shall become effective on October 1, 1998.

Approved May 1, 1998

Time: 9:06 A.M.

Act No. 98-499

H. 531 – Rep. Fuller

AN ACT

To amend Sections 11-29-6 and 11-66-6, Code of Alabama 1975, by changing the date of payment from the State General Fund to the County Government Capital Improvement Fund and the Municipal Government Capital Improvement Fund from January 2 to April 15 of the fiscal year.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-29-6, Code of Alabama 1875, is amended to read as follows:

"The fund capital shall be distributed to the several counties of the state and shall be paid on April 15 of the fiscal year for which each annual appropriation is made as follows:

"Part of the funds to be paid to counties that is equal to 45.45 percent of the total of such portion shall be allocated equally among the 67 counties of the state; and the entire residue of the portion to be paid to counties, being an amount equal to 54.55 percent of such portion, shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census or, prior to the effective date of the 1990 decennial census, any special federal census held in any county subsequent to the effective date of the 1980 federal decennial census and prior to the adoption hereof. Such funds shall only be used by counties for the following purposes:

"a. Public buildings; counties may expend such funds for the construction, furnishing, equipping and renovation of public buildings including, without limitation, jails, courthouses and courthouse annexes, juvenile facilities, and paying rentals to public corporations for the use of public buildings. Such funds may also be expended for the purpose of purchasing land for public buildings.

" b. Solid waste; counties may expend such funds for the purchase of land for sanitary landfills, the purchase of solid waste handling and disposal equipment including collection vehicles and landfill compaction equipment, and other solid waste handling and disposal equipment and/or facilities.

" c. Public utilities; counties may expend such funds for public water and waste water treatment facilities and drainage facilities. Such expenditures may include the purchase of land and rights-of-way, and the purchase of equipment and supplies necessary for the installation and maintenance of such public facilities.

" d. Roads and bridges; up to 50 percent of the funds received by counties may be expended for the construction, maintenance, reconstruction, restoration or resurfacing of county roads and bridges.

" e. Bonds and warrants; counties may expend such funds for the payment of any valid obligation of a county that is evidenced by bonds, notes, warrants or other instruments now or hereafter authorized by law to be issued for any of the purposes enumerated in clauses a, b, c and d of this paragraph.

" f. Public health; counties may expend funds for the operation and maintenance of the county health department.

" g. Pensions and security; counties may expend funds for the operation and maintenance of the county pensions and security department."

Section 2. Section 11-66-6, Code of Alabama 1975, is amended to read as follows:

“The fund capital shall be distributed to the incorporated municipalities of the state and shall be paid on April 15 of the fiscal year for which each annual appropriation is made as follows:

“ (1) Each incorporated municipality in the state with a population of less than 1000 shall receive \$1000; each incorporated municipality in the state with a population of 1000 or more shall receive \$2,500.

“ (2) The residue of the portion to be paid to the incorporated municipalities in the state shall be distributed among the incorporated municipalities in the state on the basis of the ratio of the population of each such municipality to the total population of all the incorporated municipalities in the state according to the next preceding federal decennial census, or in the case of a municipality incorporated subsequent to the said federal decennial census, the official census taken upon incorporation.

“ Each municipality shall upon receipt of its share deposit same in a special account and shall not commingle such funds with other revenues of the municipality. The share of each municipality shall be expended solely for capital improvements and the renovation of capital improvements determined by the municipal governing body. The governing body of each municipality may use such share to finance bond or warrant issues for capital improvements and the renovation of capital improvements and may pledge such share to retire the principal and interest of such bonds or warrants.”

Section 3. This Act shall become effective October 1, 1998.

Approved May 1, 1998

Time: 9:08 A.M.

Act No. 98-500

H. 152 – Reps. Crigler, Hooper, Knight (A),
Sanderson, Carns, Hawkins,
McKee, Hogan, Warren, Vance,
Wren and Dean

AN ACT

To prohibit marriages between persons of the same sex in Alabama, to prohibit the legal recognition of same sex marriages formed outside of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the “Alabama Marriage Protection Act.”

Section 2. (a) Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting the unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state.

(b) Marriage is a sacred covenant, solemnized between a man and a woman, which, when the legal capacity and consent of both parties is present, establishes their relationship as husband and wife, and which is recognized by the state as a civil contract.

(c) No marriage license shall be issued in the State of Alabama to parties of the same sex.

(d) The State of Alabama shall not recognize as valid any marriage of parties of the same sex that occurred or was alleged to have occurred as a result of the law of any jurisdiction regardless of whether a marriage license was issued.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 1, 1998

Time: 9:11 A.M.

Act No. 98-501

H. 829 – Rep. Carns

AN ACT

To amend Section 40-14-41, Code of Alabama 1975, as amended by Act 97-914, 1997 First Special Session, and Act 98-106, 1998 Regular Session, to allow a deduction from franchise tax for all new and existing investments in Alabama for a period of twenty years, provided that a taxpayer meets the criteria for the amount of investment in a new manufacturing facility in this state and the number of new jobs at the new facility.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-14-41, Code of Alabama 1975, as amended by Act 97-914, 1997 First Special Session, and Act 98-106, 1998 Regular Session, is further amended to read as follows:

“§40-14-41.

“(a) Amount of levy. - Every corporation organized under the laws of any other state, nation, or territory and doing business in

this state, except strictly benevolent, educational, or religious corporations, shall pay annually to the state an annual franchise tax of three dollars (\$3) on each one thousand dollars (\$1,000) of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title *prima facie* be held to be doing business in Alabama. However, in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of twenty-five dollars (\$25).

“(b) Definition of capital. - The total capital of such foreign corporation, herein referred to as the “taxpayer,” shall equal the aggregate net amount of the following items determined in accordance with Generally Accepted Accounting Principles appropriate in the particular case, as promulgated by the Financial Accounting Standards Board or a similar or successor agency or board, unless otherwise defined in this article:

“(1) The outstanding capital stock and any additional paid-in capital, whether positive or negative, but excluding the taxpayer’s cost of its treasury stock.

“(2) Retained earnings, whether positive or negative, which shall include any amounts designated for the payment of dividends until the amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand.

“(3) The amount of bonds, notes, debentures, or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year, but not including deposit liabilities of banks and other financial institutions as defined by state or federal law.

“(4) The amount of bonds, notes, debentures, or other evidences of indebtedness, but not including deposit liabilities of banks and other financial institutions as defined by state or federal law, maturing and payable at the time to: (i) any individual stockholder owning directly or indirectly 10 percent or more of the outstanding capital stock of the taxpayer, or (ii) another corporation owning more than 50 percent of the outstanding capital stock of the taxpayer, or (iii) another corporation owning more than 50 percent of the outstanding capital stock of which is owned by the taxpayer, unless the other corporation referred to in clause (ii) or (iii) is also required to pay a franchise tax to the State of Alabama.

“(5) The amount reasonably required to adjust the depreciable or amortizable property accounts for any rapid, excessive, or unreasonable depreciation or amortization charges, so as to restore the depreciable or amortizable property accounts, for franchise tax

purposes, to original cost less depreciation or amortization computed on the basis of the useful life of the property to the taxpayer.

“(c) Determination of capital employed in state. - The actual amount of capital employed by the taxpayer in this state shall then be determined by apportioning the total capital of the taxpayer, as defined above, to Alabama in accordance with regulations promulgated by the Department of Revenue appropriate in the particular case, except that if the apportionment formula prescribed by the regulations and otherwise applicable to the taxpayer would not fairly represent the actual amount of the capital of the taxpayer employed in this state, then the taxpayer may petition for or the department may require, if reasonable, any one of the following:

“(1) The exclusion of any one or more of the three standard factors plus the cost-of-manufacturing component;

“(2) The inclusion of one or more additional factors which fairly represents the taxpayer’s actual amount of capital employed in this state; or

“(3) The employment of any other method, including, without limitation, the method commonly referred to as the summation method, which effectuates an equitable determination of the actual amount of the taxpayer’s capital employed in this state.

“However, in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama Public Service Commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of its tangible property located in this state and its intangible property employed in the conduct of its business in this state.

“(d) Exclusions and deductions. - (1) There shall be excluded from the amount of capital as determined in subsection (b) of this section the investment by the taxpayer in the capital of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the State of Alabama, unless the taxpayer is a dealer in stocks or securities.

“(2) Except as provided in subdivision (3), in addition to any other applicable exclusions, in the case of any taxpayer, there shall be excluded from the amount of capital as determined in subsection (b), the investment by the taxpayer in the capital of any other corporation that does not pay a franchise tax to the State of Alabama if the taxpayer owns more than 50 percent of the outstanding capital

stock of the other corporation, unless the other corporation is dormant and not regularly engaged in one or more business activities.

“(3) In addition to any other applicable exclusions, in the case of any bank or bank holding company, there shall be excluded from the amount of capital as determined in subsection (b) as subsection (b) provided prior to the enactment of Act 95-564, the investment by the bank or bank holding company in the capital of any other corporation that does not pay a franchise tax to the State of Alabama if the bank or bank holding company owns more than 50 percent of the outstanding capital stock of the other corporation, unless the other corporation is dormant and not regularly engaged in one or more business activities. A corporation shall not be deemed dormant and shall be considered regularly engaged in one or more business activities, if the corporation owns, directly or indirectly, more than 50 percent of the outstanding capital stock of another corporation regularly engaged in one or more business activities. A corporation shall be deemed to directly or indirectly own more than 50 percent of another corporation if both corporations would be part of a controlled group of corporations as defined in 26 U.S.C. Section 1563 if a 50 percent ownership requirement is applied in lieu of the 80 percent ownership requirement in 26 U.S.C. Section 1563.

“(4) There shall be deducted from the amount of capital employed in this state as determined in accordance with subsections (b) and (c) of this section, the following amounts:

“a. The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law.

“b. The amount invested by the taxpayer in bonds or other securities issued by the State of Alabama, or any county, municipality, or other political subdivision of the State of Alabama, or any public corporation organized under the laws of the State of Alabama, unless the corporation is a dealer in securities.

“c. The amount invested by the taxpayer in all devices, facilities, or structures, and all identifiable components or materials for use therein, acquired or constructed primarily for the control, reduction, or elimination of air or water pollution.

“d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and components including, but not limited to, all aircraft replacement parts, components, systems, supplies, and sundries affixed or used on an aircraft, and ground support equipment and vehicles used by or for the aircraft, when used by certified or licensed air carrier with a hub operation

within this state, for use in conducting intrastate, interstate, or foreign commerce for transporting people or property by air. For the purpose of this paragraph, the words "hub operation within this state" shall be construed to have all of the following criteria:

"1. There originate from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year.

"2. Passengers or property, or both, are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

"e. During the period beginning December 1, 1997, and ending on the date twenty years thereafter, the amount invested in all new and existing manufacturing facilities in this state by the taxpayer, which amount shall be limited to the investment in all real and tangible personal property, equipment, facilities, structures, components, and inventory in this state, provided that the taxpayer has met the criteria in subparagraph 1. below, and, in addition, has met the criteria in subparagraph 2. below:

"1. The taxpayer must, not later than December 31, 2000, file with the Alabama Department of Revenue a statement of intent to claim the deduction provided under this section. This statement of intent shall contain any information required by the Department of Revenue.

"2. During the period commencing with December 1, 1997, and ending on the date six years thereafter, the amount of new investment in all new and existing manufacturing facilities in this state by the taxpayer and, in addition, the number of new employees at all new and existing manufacturing facilities in this state shall meet or exceed the limits described in one of the following brackets:

Amount Invested	Number of New Employees
1. Not less than \$1,000,000,000	Not less than 500
2. Not less than \$900,000,000	Not less than 600
3. Not less than \$800,000,000	Not less than 700
4. Not less than \$700,000,000	Not less than 800
5. Not less than \$600,000,000	Not less than 900
6. Not less than \$500,000,000	Not less than 1,000
7. Not less than \$400,000,000	Not less than 1,100
8. Not less than \$300,000,000	Not less than 1,200
9. Not less than \$200,000,000	Not less than 1,300
10. Not less than \$100,000,000	Not less than 1,400

"No deduction shall be available under this paragraph e. until the criteria defined in subparagraph 1. above, and, in addition, subparagraph 2. above have been met. The deduction available under this paragraph e. shall only be available during those years within the 20 years after December 1, 1997, in which the taxpayer maintains the criteria defined in subparagraph 2. above.

"f. The amount invested by the taxpayer in the purchase of an existing manufacturing facility in this state, which amount shall be limited to the investment in all real and tangible personal property, equipment, facilities, structures, components, and inventory on or after January 1, 1998, and during the period for 20 years thereafter, provided that the taxpayer has met the criteria in subparagraphs 1., 2., and 3.

"1. The taxpayer must, within six months of the effective date of this amendatory act, file with the Alabama Department of Revenue a statement of intent to claim the deduction provided pursuant to this amendatory act. The statement of intent shall contain any information required by the department.

"2. At the time of purchase, the existing manufacturing facility must have at least 1,000 employees, which employment level must be maintained during the period 20 years after the date of acquisition by the taxpayer.

"3. At the time of purchase, the existing manufacturing facility must produce aluminum alloy can stock."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately following its passage and approval Governor, or its otherwise becoming law.

Approved May 1, 1998

Time: 9:09 A.M.

Act No. 98-502

H. 520 – Rep. Penry

AN ACT

To amend Sections 40-2A-10, 40-18-2, 40-18-5, 40-18-6, 40-18-8, 40-18-13, 40-18-14, 40-18-15, 40-18-25, 40-18-27, 40-18-30, 40-18-31, 40-18-33, 40-18-34,

40-18-35, 40-18-35.1, 40-18-39, 40-18-74, and 40-18-81, Code of Alabama 1975, to conform the state income tax code to certain provisions of the federal "Taxpayer Relief Act of 1997" and the federal "Taxpayer Browsing Protection Act of 1997"; to add new Sections 40-18-14.2, 40-18-14.3, 40-18-15.1, and 40-18-15.2; to repeal Sections 29-1-8.1, 40-18-12, 40-18-18, 40-18-84, 40-18-120, and 40-18-121, Code of Alabama 1975, which are obsolete; to broaden the use of the optional short form for individual taxpayers; to provide conformity to the federal treatment of amortization of intangibles; to revise withholding tax filing requirements; to revise corporate apportionment and allocation language to conform with Alabama Multistate Tax Compact rules; and to establish a retroactive effective date for act provisions adopting a corresponding Internal Revenue Code change; to provide for an election to file annual Alabama consolidated corporate income tax returns, in conformity with federal income tax rules, so that corporate groups that file federal consolidated income tax returns may likewise treat all their corporate subsidiaries as one corporation when filing a corporate income tax return with the Department of Revenue; to provide for a graduated user fee to be paid annually by corporate groups electing to file an Alabama consolidated income tax return; and to provide a delayed effective date for the consolidated return and time value of money provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-2A-10, 40-18-2, 40-18-5, 40-18-6, 40-18-8, 40-18-13, 40-18-14, 40-18-15, 40-18-25, 40-18-27, 40-18-30, 40-18-31, 40-18-33, 40-18-34, 40-18-35, 40-18-35.1, 40-18-39, 40-18-74, and 40-18-81, Code of Alabama 1975, are amended and new Sections 40-18-14.2, 40-18-14.3, 40-18-15.1, and 40-18-15.2 are added as follows:

“§40-2A-10.

“(a) Except as provided below, it is unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the return of any taxpayer or any part thereof or any information secured in arriving at the amount of tax or value reported for any purpose other than the proper administration of any matter administered by the department, or upon order of any court, or as otherwise allowed in this section. Statistical information pertaining to taxes may be disclosed at the discretion of the commissioner or his or her delegate or to the legislative or executive branch of the state. The commissioner or his or her delegate may make written or verbal disclosure upon request as to the status of compliance with those requirements contained in Chapter 14 of this title for all domestic and foreign corporations doing business in the State of Alabama. A good standing certificate shall be issued to a requesting person with respect to a corporation if the corporation has filed all Alabama franchise tax returns due and paid the taxes shown as payable in accordance with those returns. Any person violating the provisions of this section shall, for each act of disclosure, have committed a Class A misdemeanor. Additionally, to the extent provided in 26 U.S.C. § 7213A, it shall be unlawful for any state employee willfully to inspect, except as authorized in 26 U.S.C. § 6103, any federal tax return or federal tax return information acquired by the employee

or another person under a provision of 26 U.S.C. § 6103 referred to in 26 U.S.C. § 7213(a) (2).

“(b) This section shall not apply to returns filed and information secured under laws of this state (i) governing the registration and titling of motor vehicles, (ii) levying or imposing excise taxes or inspection fees upon the sale of, use, and other disposition of gasoline and other petroleum products, (iii) governing the licensing of motor vehicle dealers, reconditioners, rebuilders, wholesalers, and automotive dismantlers and parts recyclers, or (iv) governing the privilege licenses as provided in Chapter 12, other than Article 4, of this title.

“(c) Except as otherwise provided in Section 40-2A-9(m), the orders of the administrative law judge and all evidence, pleadings, and any other information submitted in any appeal before the administrative law division shall not be subject to this section.

“(d) The commissioner shall promulgate reasonable regulations permitting and governing the exchange of tax returns, information, records, and other documents secured by the department, with tax officers of other agencies of the State of Alabama, municipal, and county government agencies in Alabama, federal government agencies, any association of state government tax agencies, any state government tax agencies of other states, and any foreign government tax agencies. However, (i) any tax returns, information, records, or other documents remain subject to the confidentiality provisions set forth in subsection (a); and (ii) any exchange shall be for one or more of the following purposes:

“(1) Collecting taxes due.

“(2) Ascertaining the amount of taxes due from any person.

“(3) Determining whether a person is liable for, or whether there is probable cause for believing a person might be liable for, the payment of any tax to a federal, state, county, municipal, or foreign government agency.

“(e) Nothing herein shall prohibit the use of tax returns or tax information by the department or county tax officials in the enforcement, collection, and assessment of any tax levied or imposed by this title, or any other matters administered by the department. The department, a municipality, or county tax official may also divulge to a purchaser, prospective purchaser, or successor of a business or stock of goods the outstanding sales, use, or rental tax liability of the seller for which the purchaser, prospective purchaser, or successor may be liable pursuant to Section 40-23-25, 40-23-82, or 40-12-224. This section shall not preclude the inspection of returns by federal or foreign state agents pursuant to Section 40-18-53.

“§40-18-2.

“In addition to all other taxes now imposed by law, there is hereby levied and imposed a tax on the taxable income, as defined in this chapter, which tax shall be assessed, collected, and paid annually at the rate specified herein and for each taxable year as hereinafter provided. Persons and subjects taxable under this chapter are:

- “(1) Every individual residing in Alabama;
- “(2) Every corporation domiciled in Alabama or licensed or qualified to transact business in Alabama;
- “(3) Every corporation doing business in Alabama or deriving income from sources within Alabama, including income from property located in Alabama;
- “(4) Every resident individual or corporation acting in a fiduciary capacity;
- “(5) Every estate and trust resident in the State of Alabama;
- “(6) Every nonresident individual receiving income from property owned or business transacted in Alabama;
- “(7) Every natural person domiciled in the State of Alabama, and every other natural person who maintains a permanent place of abode within the state or spends in the aggregate more than seven months of the income year within the state, shall be presumed to be residing within the state for the purposes of determining liability for income taxes under this chapter.

“§40-18-5.

“The tax levied and imposed by Section 40-18-2 shall be computed as follows:

- “(1) For a single person, head of family, or married persons filing separate returns:
 - “a. Two percent of taxable income not in excess of five hundred dollars (\$500).
 - “b. Four percent of taxable income in excess of five hundred dollars (\$500) and not in excess of three thousand dollars (\$3000).
 - “c. Five percent of taxable income in excess of three thousand dollars (\$3,000).
- “(2) For married persons filing a joint return:
 - “a. Two percent of taxable income not in excess of one thousand dollars (\$1,000).
 - “b. Four percent of taxable income in excess of one thousand dollars (\$1,000) and not in excess of six thousand (\$6,000).

"c. Five percent of taxable income in excess of six thousand dollars (\$6,000).

"§40-18-6.

"(a) Basis (unadjusted) of property. — The basis of property shall be the cost of the property with the following exceptions:

"(1) INVENTORY VALUE. — If the property should have been included in the last inventory, the basis shall be the last inventory value thereof.

"(2) GIFT or TRANSFER IN TRUST. — If the property was acquired by gift or by a transfer in trust, the basis shall be determined in accordance with 26 U.S.C. § 1015. If property was acquired by gift or transfer in trust on or after December 31, 1932 and prior to March 15, 1985, the basis shall be the fair and reasonable market value of the property at the time of the acquisition.

"(3) PROPERTY TRANSMITTED AT DEATH. — If the property was acquired from a decedent, the taxpayer's basis in the property shall be determined in accordance with 26 U.S.C. § 1014.

"(4) PROPERTY ACQUIRED UPON LIKE-KIND EXCHANGE. — If the property was acquired upon an exchange described in subsection (c) of Section 40-18-8, the basis shall be determined in accordance with 26 U.S.C. § 1031(d).

"(5) TRANSFERS TO CORPORATION. — The basis of property received by a distributee in a transaction described in subsection (e) or (f) of Section 40-18-8 shall be determined in accordance with 26 U.S.C. § 358. The basis of property acquired by a corporation in a transaction described in subsection (e) or (f) of Section 40-18-8 shall be determined in accordance with 26 U.S.C. § 362.

"(6) PROPERTY ACQUIRED ON LIQUIDATION OF SUBSIDIARY. — The basis of property acquired by a corporation as a result of a liquidation of a subsidiary to which Section 40-18-8(h) applies shall be determined in accordance with 26 U.S.C. § 334(b).

"(7) BASIS OF PROPERTY OF SUBSIDIARY AFTER ACQUISITION. — The basis of property owned by a corporation shall be determined under 26 U.S.C. § 338, relating to the treatment of certain stock purchases as asset acquisitions, if an election under the section is in effect for federal income tax purposes.

"(8) BASIS OF PROPERTY RECEIVED IN LIQUIDATION IN WHICH GAIN OR LOSS IS RECOGNIZED. — The basis of property received in a distribution in complete liquidation in which a gain or loss is recognized on the receipt of the property shall be determined in accordance with 26 U.S.C. § 334(a).

“(9) **BASIS OF STOCK AFTER STOCK DIVIDEND.** — The basis of stock with respect to which a corporation makes a distribution of its stock and the basis of the stock so distributed shall be determined in accordance with 26 U.S.C. § 307.

“(10) **INVOLUNTARY CONVERSION.** — If property was acquired in connection with an involuntary conversion in which a gain or loss was not recognized under subsection (d) of Section 40-18-8, the basis of the property shall be determined in accordance with 26 U.S.C. § 1033.

“(11) **“PROPERTY ACQUIRED BEFORE JANUARY 1, 1933.** — The basis for determining gain or loss on the sale or disposition of property acquired prior to January 1, 1933, shall be the fair and reasonable market value as of January 1, 1933. In determining the fair and reasonable market value of stock in a corporation as of January 1, 1933, due regard shall be given to the fair and reasonable market value of the assets of the corporation as of that date.

“(12) **DETERMINATION OF AMOUNT OF LOSS OR GAIN OR OF DEPRECIATION OR DEPLETION.** — Whenever in the calculation of income taxable hereunder for any taxable year it is necessary to determine the amount of gain or loss or of depreciation or depletion in the case of property acquired before January 1, 1933, the basis of property shall be fixed in the same manner as is provided in subdivision (11) of this subsection.

“(13) **PROPERTY ACQUIRED FROM SPOUSE OR FORMER SPOUSE.** — If the property was acquired from a spouse or former spouse in a transaction in which a gain or loss was determined under Section 40-18-8(m), then the basis shall be determined in accordance with 26 U.S.C. § 1041.

“(14) **BASIS OF REPLACEMENT PROPERTY IN SALE OF STOCK TO EMPLOYEE STOCK OWNERSHIP PLAN OR COOPERATIVE.** — If, in connection with a sale of securities to an employee stock ownership plan or an eligible worker-owned cooperative, any gain was not recognized pursuant to Section 40-18-8(n), the basis of the qualified replacement property, as defined in 26 U.S.C. § 1042, shall be determined in accordance with 26 U.S.C. § 1042(d).

“(15) **BASIS OF PROPERTY TO SUBCHAPTER K ENTITY.** — The basis of property contributed to a subchapter K entity under Section 40-18-8 (o) shall be determined in accordance with 26 U.S.C. § 723

“(16) **BASIS OF INTEREST IN SUBCHAPTER K ENTITY.**—

“a. **INITIAL BASIS.** The basis of an interest in a subchapter K entity resulting from a contribution of property described in

Section 40-18-8 (o) shall be determined in accordance with 26 U.S.C. § 722.

“b. ADJUSTMENTS TO BASIS. The basis determined under paragraph a. shall be increased or decreased in accordance with 26 U.S.C. § 705. The amount of the increases and decreases shall be determined without regard to the allocation and apportionment rules of Section 40-18-22.

“c. SPECIAL BASIS ADJUSTMENTS. If a subchapter K entity has in effect an election under 26 U.S.C. § 754, the basis of the property of the subchapter K entity shall be determined in accordance with 26 U.S.C. §§ 734 and 743.

“(17) BASIS OF PROPERTY DISTRIBUTED BY SUBCHAPTER K ENTITY. — The basis of property distributed by a subchapter K entity shall be determined in accordance with 26 U.S.C. § 732.

“(b) Adjusted basis. — The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis determined under subsection (a), adjusted as hereinafter provided. Proper adjustment in respect of the property shall in all cases be made:

“(1) For expenditures, receipts, losses, or other items, properly chargeable to capital account, including taxes and other carrying charges on unimproved and unproductive real property, but no such adjustment shall be made for taxes or other carrying charges for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior taxable year.

“(2) For exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent allowed, but not less than the amount allowable under this chapter.

“(3) In the case of stock, to the extent not provided for in the foregoing paragraphs, for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis.

“(4) Basis of property of individuals establishing Alabama domicile imported into state. Property, both real and personal, owned on the date Alabama domicile is established shall have the same basis for Alabama income tax purposes as its basis for federal income tax purposes as of that date.

“(5) Allocation of basis. The basis of property acquired in an applicable asset acquisition (as defined in 26 U.S.C. § 1060) shall be determined in accordance with 26 U.S.C. § 1060.

“§40-18-8.

“(a) General rule. — Except as provided in this section, upon the sale or exchange of property, the entire amount of the gain or loss determined under Section 40-18-7 shall be recognized.

“(b) Exchange of stock for stock of same corporation. — No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

“(c) Like-kind exchanges. — If an exchange of property satisfies the requirements of 26 U.S.C. § 1031, relating to like-kind exchanges, then the amount of gain or loss recognized in the exchange shall be determined in accordance with 26 U.S.C. § 1031.

“(d) Involuntary conversions. — If a taxpayer validly elects to determine the amount of gain recognized for federal income tax purposes under 26 U.S.C. § 1033, relating to involuntary conversions, the amount of gain recognized shall be determined in accordance with 26 U.S.C. § 1033.

“(e) Transfer of property to corporation controlled by transferor. — If property is transferred to a corporation in a transaction which satisfies the requirements of 26 U.S.C. § 351, relating to transfers to corporations controlled by the transferor, the amount of gain or loss recognized shall be determined in accordance with 26 U.S.C. § 351, as modified by 26 U.S.C. § 357, relating to the recognition of gain as a result of the transferee corporation’s assumption of liabilities.

“(f) Reorganizations. — In the case of a reorganization defined in 26 U.S.C. § 368, relating to definitions applicable to corporate reorganizations, or a distribution, other than a reorganization, subject to 26 U.S.C. § 355, the amount of gain or loss recognized shall be determined in accordance with 26 U.S.C. §§ 354, 355, 356, 361, 371, and 374.

“(g) Exchange of stock for property. — No gain or loss shall be recognized by a corporation on the receipt of money or other property in exchange for stock, including treasury stock, of the corporation or with respect to the acquisition or lapse of an option to buy or sell its stock.

“(h) Complete liquidation of subsidiaries. — No gain or loss shall be recognized on the receipt by a corporation of property on the complete liquidation of a subsidiary corporation when the requirements of 26 U.S.C. § 332, relating to complete liquidation of subsidiaries, are satisfied.

“(i) Gain or loss on sales or exchanges in connection with certain liquidations. — The amount of gain or loss recognized by a corporation on the sale or exchange of property shall be determined in accordance with 26 U.S.C. § 337 if every requirement for the application of 26 U.S.C. § 337 is satisfied.

“(j) Election under 26 U.S.C. § 338 — If a valid election under 26 U.S.C. § 338 is made, the amount of gain recognized by the target corporation shall be determined in accordance with 26 U.S.C. § 338.

“(k) Taxability of corporation on distribution. — The amount of gain recognized by a corporation on the distribution of its stock, rights to acquire its stock, or property shall be determined in accordance with 26 U.S.C. § 311, relating to taxability of corporations on distributions.

“(l) Gain recognized on liquidation. — The amount of gain recognized by a liquidating corporation on the distribution of its property in complete liquidation shall be determined in accordance with 26 U.S.C. § 336.

“(m) Gain or loss on property transferred to spouse or former spouse. — The amount of gain or loss on the transfer of property to a spouse or former spouse shall be determined in accordance with 26 U.S.C. § 1041.

“(n) Sales of stock to employee stock ownership plans or certain cooperatives. — The amount of gain recognized by a taxpayer who has validly elected to determine the amount of gain recognized for federal income tax purposes under 26 U.S.C. § 1042, relating to sales of stock to employee stock ownership plans or certain cooperatives, shall be determined in accordance with 26 U.S.C. § 1042. If a taxpayer disposes of any qualified replacement property and recognizes gain under 26 U.S.C. § 1042(e), then, notwithstanding any other provision of this chapter, gain, if any, shall be recognized to the same extent and at the same time for purposes of this chapter as under 26 U.S.C. § 1042(e). The term “qualified replacement property” shall have the meaning set forth in 26 U.S.C. § 1042.

“(o) Contribution of property to subchapter K entity. — The amount of gain or loss recognized on the contribution of property to a subchapter K entity in exchange for an interest in the subchapter K entity shall be determined in accordance with 26 U.S.C. § 721.

“(p) Distribution of property by subchapter K entity. — The amount of gain or loss recognized on the distribution of property by a subchapter K entity shall be determined in accordance with 26 U.S.C. § 731.

“(q) Transfer of property to trust. — Gain or loss shall not be recognized on the transfer of property to a trust.

“(r) Nonrecognition treatment for certain transfers from common trust funds to regulated investment companies. — The tax consequences of the transfer of assets of a common trust fund in exchange for stock in one or more regulated investment companies and the tax consequences of the distribution of the stock to the participants of the common trust fund shall be determined in accordance with 26 U.S.C. § 584.

“§40-18-13.

“(a) Income shall be computed on the basis of the same taxable year and in accordance with the same method of accounting that the taxpayer properly employs for federal income tax purposes. If no such method of accounting has been employed or if the method so employed does not clearly reflect income, computation shall be made upon such basis and in such manner as in the opinion of the Department of Revenue, and consistent with federal income tax treatment, does clearly reflect income. If the taxpayer has no annual accounting period or does not keep proper books of account, the income shall be computed on the basis of the calendar year.

“(b) In the case of a partnership, Alabama S corporation, or personal service corporation electing a taxable year under 26 U.S.C. § 444, this section shall be applied without regard to the requirement to make payments under 26 U.S.C. § 7519.

“§40-18-14.

“The term “gross income” as used herein:

“(1) Includes gains, profits and income derived from salaries, wages, or compensation for personal services of whatever kinds, or in whatever form paid, including the salaries, income, fees, and other compensation of state, county, and municipal officers and employees, or from professions, vocations, trades, business, commerce or sales, or dealings in property whether real or personal, growing out of ownership or use of or interest in such property; also from interest, royalties, rents, dividends, securities, or transactions of any business carried on for gain or profit and the income derived from any source whatever, including any income not exempted under this chapter and against which income there is no provision for a tax. The term “gross income” as used herein also includes alimony and separate maintenance payments to the extent they are includable in gross income for federal income tax purposes under 26 U.S.C. § 71 (relating to alimony and separate maintenance payments). The term “gross income” as used herein

also includes any amount included in gross income under 26 U.S.C. § 83 at the time it is so included under 26 U.S.C. § 83.

“(2) For purposes of this chapter, the reductions in tax attributes required by 26 U.S.C. § 108 shall be applied only to the net operating losses determined under this chapter and the basis of depreciable property. The basis reductions of depreciable property shall not exceed the basis reductions for federal income tax purposes. All other tax attribute reductions required by 26 U.S.C. § 108 shall not be recognized.

“(3) Gross income does not include the following items which shall be exempt from income tax under this chapter:

“a. Amounts received under life insurance policies and contracts paid by reason of the death of the insured in accordance with 26 U.S.C. § 101;

“b. Amounts received, other than amounts paid by reason of the death of the insured, under life insurance, endowment or annuity contracts, determined in accordance with 26 U.S.C. § 72;

“c. The value of property acquired by gift, bequest, devise, or descent, but the income from such property shall be included in the gross income, in accordance with 26 U.S.C. § 102;

“d. Interest upon obligations of the United States or its possessions; or securities issued under provisions of the Federal Farm Loan Act of July 18, 1916;

“e. Any amounts received by an individual which are excludable from gross income under 26 U.S.C. § 104 (relating to compensation for injuries or sickness) or 26 U.S.C. § 105 (relating to amounts received under accident or health plans);

“f. Interest on obligations of the State of Alabama and any county, municipality, or other political subdivision thereof;

“g. The rental value of a parsonage provided to a minister of the gospel to the extent excludable under 26 U.S.C. § 107;

“h. Income from discharge of indebtedness to the extent allowed by 26 U.S.C. § 108;

“i. For each individual taxpayer, or each husband and wife filing a joint income tax return, as the case may be, any gain realized from the sale of a personal residence of the taxpayer shall be excluded to the extent excludable for federal income tax purposes under 26 U.S.C. § 121;

“j. Contributions made by an employer on behalf of an employee to a trust which is part of a qualified cash or deferred

arrangement (as defined in 26 U.S.C. § 401(k)(2), or 5 U.S.C. § 8437) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash and contributions made by an employer for an employee for an annuity contract, which contributions would be excludable from the gross income (for federal income tax purposes) of the employee in accordance with the provisions of 26 U.S.C. § 403(b). The limitations imposed by 26 U.S.C. § 402(g) shall apply for purposes of this paragraph;

“k. Amounts that an employee is allowed to exclude from gross income for federal income tax purposes pursuant to 26 U.S.C. § 125 (relating to cafeteria plans) and 26 U.S.C. § 132 (relating to certain fringe benefits); and

“l. Amounts paid or incurred by an employer on behalf of an employee if the amounts may be excluded from gross income for federal income tax purposes by an employee pursuant to 26 U.S.C. § 129 (relating to dependent care expenses).

“(4) The term “gross income,” in the case of a resident individual, includes income from sources within and outside Alabama, and in the case of a nonresident individual, includes only income from property owned or business transacted in Alabama.”

§40-18-14.2.

(a) The term “adjusted gross income,” as used in this section, shall mean the gross income as defined by Section 40-18-14, minus the following deductions:

(1) The deductions allowed by this chapter, other than the net operating loss deduction allowed under Section 40-18-15.2, which are attributable to a trade or business carried on by the taxpayer if the trade or business does not consist of the performance of services by the taxpayer as an employee;

(2) The deduction allowed by this chapter for travel expenses of Alabama state legislators while away from home to the extent reimbursed by the State of Alabama;

(3) The deductions allowed by this chapter which consist of expenses paid or incurred by the taxpayer in connection with the performance by him or her of services as an employee, to the extent reimbursed by his or her employer;

(4) The deductions allowed by this chapter attributable to property held for the production of rents or royalties;

(5) The deductions allowed by this chapter to a life tenant of property or to an income beneficiary of property held in trust;

(6) The deduction allowed by this chapter as losses from the sale or exchange of property;

(7) The deduction allowed by this chapter relating to adoption expenses;

(8) The deduction allowed by this chapter for individual retirement accounts;

(9) The deduction allowed by this chapter relating to retirement plans;

(10) The deduction allowed by this chapter relating to alimony;

(11) The deduction allowed by this chapter relating to moving expenses;

(12) The deduction allowed by Section 40-18-15(a)(25) relating to grants-in-aid.

(b) Nothing in this section shall allow any item to be deducted more than once.

§40-18-14.3.

Gross income shall include original issue discount determined in accordance with 26 U.S.C. §§ 1271 to 1275, inclusive, and interest or other income determined in accordance with 26 U.S.C. § 7872, related to certain related party loans, tax avoidance loans, etc. with below-market interest rates.

“§40-18-15.

“(a) No deduction shall be allowed for any losses, expenses, or interest deferred or disallowed pursuant to 26 U.S.C. § 267 or for any cost required to be capitalized in accordance with 26 U.S.C. § 263A; otherwise, there shall be allowed as deductions:

“(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, as determined in accordance with 26 U.S.C. § 162.

“(2) Interest paid or accrued within the taxable year on indebtedness, limited to the amount allowable as an interest deduction for federal income tax purposes in the corresponding tax year or period pursuant to the provisions of 26 U.S.C. §§ 163, 264, and 265.

“(3) The following taxes paid or accrued within the taxable year:

“a Income taxes, Federal Insurance Contribution Act taxes, taxes on self-employment income and estate and gift taxes imposed

by authority of the United States or any possession of the United States.

“b. State and local, and foreign, occupational license taxes, and contributions to state unemployment funds.

“c. State and local, and foreign, real property taxes.

“d. State and local personal property taxes.

“e. The generation-skipping transfer (GST) tax imposed on income distributions by 26 U.S.C. § 2601.

“f. The taxes described in paragraphs c, d, and e shall be deductible only to the extent that the taxes are deductible for federal income tax purposes under 26 U.S.C. § 164 (relating to taxes).

“g. In addition, there shall be allowed as a deduction, state and local, and foreign taxes, except income taxes, and taxes imposed by authority of the United States or any possession of the United States, which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in 26 U.S.C. § 212 (relating to expenses for the production of income).

“h. Notwithstanding paragraph g, any tax described in any paragraph preceding paragraph g that is paid or accrued in connection with an acquisition or disposition of property shall be treated as part of the cost of the acquired property or, in the case of a disposition, as a reduction in the amount realized on the disposition of that property.

“(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise if incurred in a trade or business, in accordance with 26 U.S.C. §165(c) (1).

“(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business in accordance with 26 U.S.C. §165(c)(2); but, in the case of a taxpayer other than a resident of the state, only as to those transactions within the state.

“(6) Casualty and theft losses sustained during the taxable year of property not connected with the conduct of a trade or business or a transaction entered into for profit as determined in accordance with subsections (c) (3) and (h) of 26 U.S.C. § 165. In the case of a nonresident, the deduction shall be allowed only for the losses arising from property located within the State of Alabama and the limitations in 26 U.S.C. § 165 shall be applied with regard only to the taxpayer’s Alabama adjusted gross income. No loss shall be allowed if at the time of filing the return, the loss has been claimed on a federal estate tax return.

“(7) Losses from debts ascertained to be worthless and charged off during the taxable year of ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer.

“(8) A reasonable allowance for the exhaustion, wear and tear of property from which any income is derived, including a reasonable allowance for obsolescence, in accordance with 26 U.S.C. §§ 167 and 168, and an allowance for the amortization of intangibles determined in accordance with 26 U.S.C. § 197.

“(9) In the case of mines, oil, and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar condition in each case based upon the cost, including the cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the Department of Revenue; and, in the case of leasehold interests, the deduction allowed by this section shall be equitably apportioned between the lessor and the lessee.

“(10) Charitable contributions to the extent allowed for federal income tax purposes under 26 U.S.C. § 170 (relating to charitable contributions and gifts)

“(11) The deduction allowed to the individual for federal income tax purposes by 26 U.S.C. § 219 (relating to retirement savings).

“(12) The deduction allowed for federal income tax purposes by 26 U.S.C. § 404 (relating to qualified pension, profit sharing, stock bonus, and annuity plans).

“(13) For each individual income taxpayer, medical and dental expenses, including amounts paid for medicine and drugs and amounts paid for accident and health insurance, as determined in accordance with 26 U.S.C. § 213; provided, however, that the limitation of the deduction to the excess of those expenses over 7.5 percent of adjusted gross income as provided in 26 U.S.C. § 213 shall instead be limited to the excess of those expenses over 4.0 percent of adjusted gross income.

“(14) For each individual income taxpayer, the deduction determined in accordance with 26 U.S.C. § 212 for all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income, or in connection with the determination, collection, or refund of any tax.

“(15) Any expense not exceeding \$1,000 actually incurred during the taxable year in constructing on his or her property a family

radioactive fallout shelter, as approved and certified by the State Department of Emergency Management, and any amount not exceeding \$1,000 which he or she contributed during the taxable year toward the construction of a community radioactive fallout shelter.

“(16) A deduction from the taxpayer’s adjusted gross income for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual domestic homes for the taxable year during which a conversion was completed.

“(17) Alimony and separate maintenance payments, the amount deductible to be the same as the amount deductible for federal income tax purposes under 26 U.S.C. § 215 (relating to alimony payments).

“(18) Moving expenses paid or incurred during the taxable year as allowed under 26 U.S.C. § 217 (relating to moving expenses). However, in applying 26 U.S.C. § 217, the term “new principal place of work” means only places of work located within the State of Alabama.

“(19) Any expense not exceeding \$35,000 actually incurred during the taxable year in removing from his or her property any architectural or transportation barriers to handicapped persons with nonambulatory and semiambulatory disabilities; provided, however, that any improvements resulting from that expense shall not be eligible to be capitalized for depreciation.

“(20) Notwithstanding subdivision (1), the deduction for expenses of travel, entertainment, and meals shall be determined in accordance with 26 U.S.C. § 274.

“(21) The deduction allowed by 26 U.S.C. § 179 (relating to expensing certain depreciable property), provided that no deduction shall be allowed under subdivision (8) for any amount allowed as a deduction under this subdivision.

“(22) The deduction allowed by 26 U.S.C. § 195 (relating to amortization of start-up expenditures), but in the case of a nonresident, only if the principal place of business of the business investigated, created, or acquired is located in the State of Alabama.

“(23) The deduction allowed by subdivision (1), to the extent that it consists of unreimbursed employee business expenses, and the deduction allowed by subdivision (14), shall be allowed only to the extent that the aggregate of the deductions exceeds 2 percent of adjusted gross income.

“(24) The reasonable medical and legal expenses paid or incurred by the taxpayer in connection with the adoption of a minor. For purposes of this subdivision, medical expenses shall include any medical and hospital expenses of the adoptee and the adoptee’s biological mother which are incident to the adoptee’s birth and subsequent medical care and which, in the case of the adoptee, are paid or incurred before the petition is granted.

“(25) The amount of any aid or assistance, whether in the form of property, services, or monies, provided to the State Industrial Development Authority pursuant to Section 41-10-44.8(d) in order to induce an approved company to undertake a major project within the state.

“(26) The amount of premiums paid pursuant to a qualifying insurance contract for qualified long-term care coverage.

“(27) The amount deductible by the taxpayer in accordance with 26 U.S.C. §162(h).

“(b) In lieu of the deductions allowable to individual taxpayers, as provided in subdivision (1) of subsection (a) to the extent of unreimbursed employee business expenses, and as provided in subdivisions (2), (3), (5), (6), (10), (13), (14), (15), (16), (19), (22), and (26) of subsection (a) of this section, the taxpayer may elect to take the optional standard deduction of 20 percent of the adjusted gross income or \$2,000, whichever is the lesser. Taxpayers filing jointly as defined in Section 40-18-27 may elect to take the optional standard deduction of 20 percent of the adjusted gross income or \$4,000, whichever is the lesser.

“(c) A deduction is allowable for the amount of federal income tax paid or accrued within the taxable year. In the case of a non-resident taxpayer, the amount of federal income tax deductible to Alabama shall be determined by the ratio that the amount of adjusted gross income received from sources within the State of Alabama bears to the amount of adjusted gross income received from sources within and outside the State of Alabama.

“(d) If separate returns are filed by husband and wife and one spouse elects to claim the optional standard deduction, the other spouse must also claim the optional standard deduction.

“(e) In the case of a nonresident individual:

“(1) The deductions allowed in subdivisions (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (19), (21), (23), and (25) of subsection (a) of this section shall be allowed only to the extent that they are paid or incurred in carrying on a trade or business within the State of Alabama and the deduction allowed by Section 40-18-15.2 shall be

allowed only to the extent it arose from a trade or business carried on in Alabama.

“(2) The deductions allowed by subdivisions (2), (3), (5), (8), (9), (14), and (19) of subsection (a) shall be allowed only to the extent arising from property located in Alabama or transactions producing income that is subject to tax in the State of Alabama.

“(3) The amount of the deductions allowed by subdivisions (2), (3), (6), (10), (13), (15), (16), (17), (19), (24), and (26) of subsection (a) (and not allowed by subdivisions (1) or (2) of this subsection), or by subsection (b) (1) if the taxpayer elects the standard deduction, shall be limited to the amount determined by multiplying the total of such deductions by a fraction, the numerator of which is the taxpayer’s adjusted gross income determined using the rules provided in subdivisions (1) and (2) of this subsection and the denominator of which is the taxpayer’s adjusted gross income determined under Section 40-16-14.2. The deduction allowed in subdivision (17) of subsection (a) shall not be subtracted in calculating either the numerator or denominator in the previous sentence.

“(f) Nothing in this section shall allow any item to be deducted more than once.”

§40-18-15.1.

For purposes of this chapter, the term “taxable income” or “net income” shall mean “gross income,” as defined in Section 40-18-14, less the deductions allowed to individuals by this chapter.

§40-18-15.2.

Individuals may calculate a net operating loss from a trade or business and apply the net operating loss against prior taxable income or future taxable income pursuant to this section.

(1) For purposes of this section, the term “net operating loss” means the excess of the deductions allowed by this chapter over the gross income. The excess shall be computed with the modifications specified in subdivision (5).

(2) A net operating loss may be carried back to each of the two taxable years preceding the taxable year of the loss. A net operating loss carryover may be carried to each of the 15 years following the taxable year of the loss.

(3) The entire amount of the net operating loss for any taxable year (hereinafter referred to as the “loss year”) shall be carried to the earliest of the taxable years to which, by reason of subdivision (2) that loss may be carried. The portion of the loss which shall be carried to each of the other taxable years shall be the excess, if

any, of the amount of the loss over the sum of the taxable income for each of the prior taxable years to which the loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed:

a. With the modifications specified in subdivision (5)b. and d.

b. By determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter, and the taxable income so computed shall not be considered to be less than zero.

(4) Any taxpayer entitled to a carryback period under subdivision (2) may elect to relinquish the entire carryback period in one of two ways. An election shall be made in a manner prescribed by the Department of Revenue, and shall be made by the due date of the loss year return, including extensions, for which the election is to be in effect. If no election is made by the due date of the loss year, including return extensions, then the filing of the subsequent year's return by the due date, including extensions, and claiming the loss thereon shall be deemed to be the taxpayer's election to forego the entire carryback period. An election, once made for any taxable year, shall be irrevocable for that taxable year.

(5) The modifications referred to in this subdivision are as follows:

a. No net operating loss deduction shall be allowed.

b. No deduction shall be allowed under Sections 40-18-19(a) (8) and (9) and 40-18-19(b), relating to personal exemptions and credit for dependents.

c. The deductions allowable by this chapter which are not attributable to a taxpayer's trade or business, including the federal individual income tax deduction, shall be allowed only to the extent of the amount of the gross income not derived from a trade or business. For purposes of the preceding sentence:

1. Any gain or loss from the sale or other disposition of property used in the trade or business of a character which is subject to the allowance for depreciation provided in Section 40-18-15 (a) (8) and (9), or real property used in the trade or business, shall be treated as attributable to the trade or business.

2. Any deduction allowable in Section 40-18-15(a) (6), relating to casualty losses, shall not be taken into account.

3. Any deduction allowed under Section 40-18-15(a) (12) to the extent attributable to contributions which are made on behalf of an individual who is an employee within the meaning of said 26 U. S C.

§ 401(c) (1), relating to self-employed individuals, shall not be treated as attributable to the trade or business of such individual.

d. The optional standard deduction allowed under Section 40-18-15(b) shall be treated as a deduction allowed by this chapter. For purposes of subdivision (1), the deduction provided by the preceding sentence shall be in lieu of any itemized deductions of the taxpayer.

(6) In determining the amount of any net operating loss carry-back or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to the other taxable year.

(7) Nonresident taxpayers shall be allowed only that portion of the net operating loss attributed to income related to Alabama. Proration of income shall be computed based upon the ratio of gross income from all sources to Alabama gross income.

“§40-18-25.

“(a) The tax imposed by this chapter shall apply to the income of estates or of any kind of property held in trust, including:

“(1) Income received by estates of deceased persons during the period of administration or settlement or settlements of the estate.

“(2) Income accumulated in trust for the benefit of unborn or unascertained persons with contingent interests.

“(3) Income held for future distribution under the terms of a will or trust.

“(4) Income which is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and the income collected by a guardian of an infant to be held or distributed as the court may direct.

“(b) The fiduciary shall be responsible for making the return of income for the estate or trust for which he or she acts. The net income of the estate or trust shall be computed in the same manner and on the same basis as provided in this chapter for individual taxpayers; except, that the deduction for amounts paid or permanently put aside for a charitable purpose shall be allowed to the extent specified in 26 U.S.C. § 642(c), relating to amounts paid or permanently set aside for a charitable purpose; and in cases under subdivision (4) of subsection (a) of this section, the fiduciary shall include in the return a statement of each beneficiary's distributive share of the net income, whether or not distributed before the close of the taxable year for which the return is made.

“(c) In cases under subdivisions (1), (2), and (3) of subsection (a) of this section, the tax shall be imposed upon the net income of

the estate or trust using the rate schedule in subdivision (1) of Section 40-18-5 and shall be paid by the fiduciary; except, that in determining the net income of the estate of any deceased person during the period of administration or settlement, there may be deducted the amount of any income properly paid or credited to any legatee, heir, or other beneficiary. In those cases the estate or trust shall be allowed the same exemptions as are allowed to single persons under Section 40-18-19, and in those cases the estate or trust created by a person not a resident and an estate of a person not a resident shall be subject to tax only to the extent to which individuals other than residents are liable under subdivision (3) of Section 40-18-14.

“(d) In cases under subdivision (4) of subsection (a) of this section, and in the case of any income of an estate during the period of administration or settlement permitted by subsection (c) to be deducted from the net income upon which tax is to be paid by the fiduciary, the tax shall not be paid by the fiduciary, but there shall be included in computing the net income of each beneficiary his or her distributive share whether distributed or not, of the net income of the estate or trust for the taxable year, or, if his or her net income for the taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his or her distributive share of the net income of the estate or trust for any accounting period of the estate or trust ending within the fiscal year upon the basis of which the beneficiary’s net income is computed. In those cases the income of a beneficiary of the estate or trust not a resident shall be taxable to the extent provided in subdivision (3) of Section 40-18-14 for individuals other than residents, but only to the extent that the income of the trust or estate shall arise from sources within the state. For the purpose of determining any income tax due by any nonresident beneficiary of any trust or estate, the income from intangible personal property shall not be construed to arise from sources within the state merely because the title and ownership of such intangible personal property is vested in a resident fiduciary or trust or estate or the evidence of ownership thereof is located within the state.

“(e) There shall be exempt from taxation imposed by this chapter income of any qualified trust defined in 26 U.S.C. § 401(a), relating to qualified pension, profit sharing, and stock bonus plans; any custodial account, any annuity contract or any contract issued by an insurance company treated as a qualified trust by reason of 26 U.S.C. § 401(f), relating to certain custodial accounts and contracts; any individual retirement account, any individual retirement annuity, or any custodial account which is exempt from federal income

tax under 26 U.S.C. § 408(e), 26 U.S.C. § 408A, or 26 U.S.C. § 530, relating to individual retirement accounts; and any retirement bond described in 26 U.S.C. § 409, relating to retirement bonds. The foregoing exemption shall not apply to any entity which is not exempt from federal income tax by reason of 26 U.S.C. § 502 or 26 U.S.C. § 503 and shall not apply to any income which would constitute "unrelated business taxable income" as defined in 26 U.S.C. § 512, relating to unrelated business taxable income.

"(f) There shall be exempt from taxation imposed by this chapter income of any trust which is described in Section 501(c)(2), 501(c)(3), 501(c)(9), 501(c)(11), 501(c)(17), 501(c)(20) or 501(c)(21) of 26 U.S.C., relating to exemption from tax on corporations, certain trusts, etc. The foregoing exemption shall not apply to any entity which is not exempt from federal income tax by reason of 26 U.S.C. § 502, relating to feeder organizations, or 26 U.S.C. § 503, relating to requirements for exemption, and shall not apply to any income which would constitute "unrelated business taxable income," as defined in 26 U.S.C. § 512, relating to unrelated business taxable income.

"(g) Distributions from or rollovers to individual retirement accounts described in 26 U.S.C. §§ 408A and 530, shall be taxed to the distributee according to 26 U.S.C. §§ 408A or 530. The amount actually distributed to any distributee of any other trust described in subsection (e) of this section, any other individual retirement account, individual retirement annuity, individual retirement bond, or custodial account which is treated as an individual retirement account shall be taxable to the distributee in accordance with 26 U.S.C. § 72 in the year in which distributed as if it were an annuity the consideration for which is the amount contributed by the employee. Notwithstanding the preceding sentence, distributions which are not included in gross income for federal income tax purposes by reason of the rollover provisions in 26 U.S.C. § 402, relating to taxability of beneficiary of employees' trust, 26 U.S.C. § 403, relating to taxation of employee annuities, 26 U.S.C. § 408, relating to individual retirement accounts, or 26 U.S.C. § 409, relating to retirement bonds, shall not be included in gross income for purposes of this chapter.

"For the foregoing purposes, "the amount contributed by the employee" means:

"(1) Amounts contributed prior to January 1, 1982, by an individual for himself or herself, his or her spouse or both under an individual retirement account, annuity or bond for which no deduction was allowed under Section 40-18-15 or corresponding provisions of prior laws of this state.

"(2) Amounts contributed prior to January 1, 1982, by a person described in Section 40-18-15(a)(12) to a trust described in subsection (e) of this section for which no deduction was allowed under Section 40-18-15 or corresponding provisions of prior laws of this state.

"(3) The amount included in gross income in prior years by the employee, the distributee, his or her predecessor in interest, or the trust by reason of the lack of exemption from the tax imposed by this chapter of a trust, individual retirement account, individual retirement annuity or individual retirement bond to which contributions described in (1) and (2) were made.

"(4) The amount included in gross income by the employee, distributee, or predecessor in interest as a result of a distribution from any other trust, individual retirement plan, individual retirement account, individual retirement bond, or custodial account because the distribution was not excludable from gross income under the second sentence of this subsection when made or was includable pursuant to 26 U.S.C. § 408(m), relating to investment in collectibles treated as distributions.

"(h) The income of a charitable remainder annuity trust or a charitable remainder unitrust, as those terms are defined in 26 U.S.C. § 664, relating to charitable remainder trusts, shall be exempt from the tax imposed by this chapter to the extent provided in 26 U.S.C. § 664. Recipients of distributions from charitable remainder unitrust and charitable remainder annuity trusts shall include in gross income the amounts specified in 26 U.S.C. § 664(b)(1) and 26 U.S.C. § 664(b)(2).

"(i) Contributions to a trust made by an employer during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt under subsection (e) of this section shall be included in the gross income of an employee for the taxable year in which the contribution is made to the trust in the case of an employee whose beneficial interest in such contribution is nonforfeitable at the time the contribution is made or if the interest of the employee is not nonforfeitable in such year, the fair market value of the employee's interest in the trust shall be included in the gross income of the employee in the year in which it becomes nonforfeitable.

"(j) The tax on an electing small business trust, as defined in 26 U.S.C. § 1361(e)(1), and the beneficiaries of the trust shall be determined as follows:

"(1) The portion of the trust that consists of stock in one or more Alabama S corporations, as defined in Section 40-18-160,

shall be treated as a separate trust. The net income of the separate trust shall be computed including only the items taken into account under Section 40-18-162, gain or loss from the disposition of stock of an Alabama S corporation, and federal income taxes and administrative expenses allocable to the income items treated under this subsection. The net income shall be taxed at the rate of five percent. The separate trust shall not be allowed any personal exemption.

“(2) No item shall be apportioned to any beneficiary of the trust from the separate trust described in subdivision (1).

“(3) The income taxation of the remainder of the trust that does not own the stock of any Alabama S corporation and its beneficiaries shall be determined under subsections (b), (c), and (d) of this section without regard to the income, gain, deductions, loss, or credits of the separate trust owning stock in one or more Alabama S corporations.

“(k) In the case of a qualified subchapter S trust, as defined in 26 U.S.C. § 1361(d), all the items of income, deduction, and credit of the portion of the trust consisting of the stock in an Alabama S corporation shall not be subject to tax under this section but shall be included in computing the net income of the beneficiary of the trust.

“§40-18-27.

“(a) Effective for tax years beginning after December 31, 1997, every taxpayer having an adjusted gross income for the taxable year of more than one thousand eight hundred seventy-five dollars (\$1,875) if single or if married and not living with spouse, and of more than three thousand seven hundred fifty dollars (\$3,750) if married and living with spouse, shall each year file with the Department of Revenue a return stating specifically the items of gross income, the deductions and credits allowed by this chapter, the place of residence, and post office address. If a husband and wife living together have an adjusted gross income of more than three thousand seven hundred fifty dollars (\$3,750), each shall file a return unless the income of each is included in a single joint return. If the taxpayer is unable to file a return, the return shall be filed by a duly authorized agent, a guardian, or other person charged with the care of the person or property of the taxpayer.

“(b) A taxpayer other than a resident shall not be entitled to the deductions authorized by Sections 40-18-15 and 40-18-15.2 unless the taxpayer files a complete return showing the gross income of the taxpayer both from within and outside the state. Included on every income tax return shall be the name, address, and social security number of the person who prepared the return.

The taxpayer shall be held liable for any statement made by an agent of the taxpayer with reference to any information required by law to be furnished in connection with that tax return.

“(c) Returns filed on the basis of the calendar year shall be filed on or before April 15 following the close of the calendar year. Returns filed on the basis of a fiscal year shall be filed on or before the fifteenth day of the fourth month following the close of the fiscal year. The department may grant a reasonable extension of time for filing returns, under rules and regulations as it shall prescribe. Except in the case of taxpayers who are abroad, no extension shall be for more than six months. If the taxpayer has requested an extension of time for the filing of a return, the period during which the return will be considered timely filed shall not expire until 10 days after the Department of Revenue mails to the taxpayer a rejection of the request for an extension of time for filing the return. The return must be signed or otherwise validated by both the taxpayer(s) and, if applicable, the tax return preparer under rules or regulations of the Department of Revenue and must contain a printed declaration that the return is filed under the penalties of perjury.

“(d) Every individual who willfully files and signs or otherwise validates under rules or regulations of the Department of Revenue a return which the individual does not believe to be true and correct as to every material particular shall be guilty of perjury and, upon conviction thereof, shall be imprisoned in the penitentiary for not less than one, nor more than five years.

“(e) In the event a husband and wife file a joint return, the husband and wife shall be jointly and severally liable for the income tax shown on the return or as may be determined by the Department of Revenue to be due by them to the State of Alabama. Notwithstanding the foregoing, an innocent spouse shall be relieved of certain liabilities to the same extent and in the same manner as granted by the Internal Revenue Code for federal income tax purposes.

“§40-18-30.

“(a) Taxpayer filing separate returns. - If a taxpayer, with the approval of the Department of Revenue, changes the basis of computing taxable income from the fiscal year to the calendar year, a separate return shall be filed for the period between the close of the last fiscal year for which return shall be made and the following December 31. If the change is made from the calendar year to the fiscal year, a separate return shall be filed for the period between the close of the last calendar year for which return was filed and the date designated as the close of the last fiscal year. If the change is made

from one fiscal year to another fiscal year, a separate return shall be filed for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year. If a taxpayer filing the taxpayer's first return for income tax keeps accounts on the basis of a fiscal year, the taxpayer shall file a separate return for the period between the beginning of a calendar year in which such fiscal year ends and the end of such fiscal year. In all of the above cases the taxable income shall be computed on the basis of such period for which the separate return is filed, and the tax shall be paid thereon at the rate in effect during the calendar year in which such period is included; and, except for the period during which the taxpayer dies, the exemptions allowed in this chapter shall be reduced respectively to amounts which bear the same ratio to the full exemptions provided for as the number of months in such period to 12 months.

“(b) Corporations filing Alabama consolidated returns. - If a corporation changes the basis of computing its income from the fiscal year to the calendar year by virtue of its election to file an Alabama consolidated return under Section 40-18-39, an Alabama consolidated return shall be filed for the period between the close of the last fiscal year for which the return shall be filed and the following December 31. If the change is made from the calendar year to the fiscal year, and the taxpayer elects to file an Alabama consolidated return under Section 40-18-39, an Alabama consolidated return shall be filed for the period between the close of the last calendar year for which the return was filed and the date designated as the close of the first fiscal year. If the change is made from one fiscal year to another fiscal year, and the taxpayer elects to file an Alabama consolidated return under Section 40-18-39, an Alabama consolidated return shall be filed for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year for the Alabama affiliated group. If a taxpayer filing an initial return for income tax keeps accounts on the basis of a fiscal year, and the taxpayer elects to file an Alabama consolidated return under Section 40-18-39, the taxpayer shall file an Alabama consolidated return for the period between the beginning of the calendar year in which its fiscal year ends and the end of such fiscal year for the Alabama consolidated group. In all the above cases, the taxpayer's taxable income shall be computed on the basis of the period for which the Alabama consolidated return is filed, and the tax shall be paid thereon at the rate in effect during the calendar year in which such period is included.

“§40-18-31.

“(a) A corporation subject to the tax imposed by Section 40-18-2 shall pay a tax equal to five percent of the taxable income of the corporation, as defined in this chapter and Chapter 27 of this title.

“(b) If the taxpayer elects to file an Alabama consolidated return under Section 40-18-39, the tax shall be assessed, collected, and paid annually for each taxable year at the rate specified in subsection (a), upon and with respect to the taxable income of the Alabama affiliated group.

“§40-18-33.

“In the case of a corporation subject to the tax imposed by Section 40-18-31, the term “net income” or “taxable income” means the gross income as defined in Section 40-18-34, less the deductions allowed corporations by this chapter. The taxable income shall be computed on the basis provided in Section 40-18-13.

“§40-18-34.

“(a) In the case of a corporation subject to the tax imposed by Section 40-18-31, which files or is required to file a separate return, the term “gross income” means the gross income as defined in Section 40-18-14 and classified as either business or nonbusiness income under Chapter 27 of this title; except, that mutual marine insurance companies shall include in gross income the gross premiums collected and received by them, less amounts paid for reinsurance.

“(b) In the case of a corporation subject to the tax imposed by Section 40-18-31, which files or has elected to file an Alabama consolidated return, the term “gross income” means the gross income as defined in Section 40-18-14, and classified as either business or nonbusiness income under Chapter 27 of this title and as modified by Section 40-18-39.

“§40-18-35.

“(a) In computing the taxable income of corporations subject to the tax imposed by Section. 40-18-31, there shall be allowed as deductions the items described in the following numbered subdivisions of this section. The proper apportionment and allocation of deductions of corporations with respect to the income from sources within and outside the State of Alabama shall be determined under the rules and regulations prescribed by the Department of Revenue pursuant to Chapter 27 of this title. For corporations doing business partly within and partly outside of Alabama where income and deductions are apportioned and allocated to Alabama as provided in Chapter 27 of this title, the deductions allowed by subdivision (13) of this section shall not be subject to any apportionment or allocation and shall be allowed in full. Subject to the above limitations, there shall be allowed as deductions in computing the taxable income of corporations:

“(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business as determined in accordance with 26 U.S.C. § 162;

“(2) All interest paid or accrued within the taxable year on its indebtedness as determined in accordance with 26 U. S. C. §§ 163, 264, and 265 In the case of a corporation not commercially domiciled in Alabama, the amount of interest otherwise deductible under this subdivision shall be reduced by the amount that bears the same ratio to the total interest expense as the average value of the corporation’s assets producing nonbusiness income bears to the average value of the corporation’s total assets; provided that (1) in lieu of the reduction in interest expense required by the formula contained in the first clause of this sentence, the taxpayer may elect to reduce the interest expense deduction by the method used by the taxpayer under this section prior to its amendment by this act, and (2) the amount of the reduction in interest expense under this subdivision shall not exceed the amount of nonbusiness income. In the case of a corporation commercially domiciled in Alabama, the rules prescribed by Chapter 27 of this title and the obligations promulgated thereunder by the Department of Revenue shall govern;

“(3) Taxes paid or accrued within the taxable year imposed from time to time (i) by the authority of the United States; (ii) by authority of any of its possessions; or (iii) by the authority of any state or territory, or any county, school district, municipality, or other taxing subdivision of any state or territory not including income tax and not including those assessed for local benefits of a kind tending to increase the value of the property assessed but excluding the income taxes levied and imposed under this title; provided, however, that any tax not specified in one of the numbered paragraphs of 26 U.S.C. § 164(a) which is paid or accrued in connection with the acquisition or disposition of property shall be treated as part of the cost of the acquired property or, in the case of a disposition, as a reduction in the amount realized on the disposition. The amount of federal income tax which shall be deductible by such corporation shall be determined by the ratio that the taxable income, as computed without any deduction for any applicable federal, state, or local taxes on net income or any federal or state or local taxes measured by net income, of the corporation on business done within Alabama bears to its taxable income, as computed without any deduction for any applicable federal, state, or local taxes on net income or any federal or state, or local taxes measured by net income, from business done both within and without the State of Alabama;

“(4) Losses as determined in accordance with 26 U.S.C. § 165;

"(5) Losses from debts which become wholly or partially worthless during the taxable year determined in accordance with 26 U.S.C. § 166;

"(6) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence, to the extent provided by 26 U.S.C. §§ 167 and 168, and an allowance for the amortization of intangibles determined in accordance with 26 U.S.C. § 197;

"(7) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case, based upon the cost, including cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the Department of Revenue; in the case of leases the deductions allowed by this subsection shall be equitably apportioned between the lessor and the lessee;

"(8) In the case of marine insurance companies, there shall be allowed amounts repaid to policyholders on account of premiums previously paid by them and interest paid on such amounts between the ascertainment and the payment thereof:

"(9) In the case of mutual insurance companies, other than mutual life or mutual marine insurance companies requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses and reinsurance reserves;

"(10) Charitable contributions determined in accordance with 26 U.S.C. § 170;

"(11) The deduction allowed for federal income tax purposes by 26 U.S.C. § 404;

"(12) A deduction for any expense not exceeding \$35,000 actually incurred during the taxable year in removing from any facility or structure in operation in the State of Alabama any architectural or transportation barriers to handicapped persons with nonambulatory or semiambulatory disabilities; provided, however, that any improvements resulting from such expense shall not be eligible to be capitalized for depreciation;

"(13) All amounts invested during the taxable year in all devices, facilities or structures and all identifiable components thereof or materials for use therein, used or placed in operation in the State of

Alabama, or to be used or placed in operation in the State of Alabama, acquired or constructed primarily for the control, reduction, or elimination of air or water pollution; provided, that in lieu of deducting such amounts, the corporation may elect to amortize all such amounts over such period, not exceeding the useful life of devices, facilities, or structures for which such amounts were expended, as it specifies in its tax return respecting the taxable year during which such amounts were expended, in which case it shall be entitled to appropriate deductions for the taxable years so specified; and provided further, that the taking of any deduction authorized by this subdivision shall be optional with the corporation; and that if any such deduction is taken with respect to such devices, facilities, or structures, such corporation shall not be permitted any allowance for depreciation or obsolescence thereof otherwise allowable under this section;

“(14) The amounts received as dividends, including liquidating dividends, whether received in cash or property or both, from a corporation or any subsidiary corporation which is either taxable under this chapter upon its net income or exempt from taxation under this chapter by virtue of being an insurance company upon which the statutes of Alabama impose a tax upon, measured by, or with respect to its premium income, if at the time of the receipt of the dividends the corporation receiving the dividends is the owner of stock in the corporation distributing the dividends:

“a. Possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote; and

“b. Constituting at least 50 percent of the total number of shares of all classes of stock other than classes of stock which are limited and preferred as to dividends;

“Neither the dividends deductible by reason of this subdivision nor the value of the assets of the corporation paying the dividends shall be taken into account in determining the amount of interest or other expenses attributed to nonbusiness income pursuant to the second sentence of subdivision (2) of this subsection.

“(15) The amounts received in taxable years beginning after July 31, 1995, by corporate taxpayers commercially domiciled outside of Alabama on each day of their taxable year, as dividends, including liquidating dividends, whether received in cash or property or both, or as deemed dividends, including amounts included in gross income under 26 U.S.C. §§ 78 and 951, from a corporation or any subsidiary corporation, if at the time of the receipt or deemed receipt of the dividends the corporation receiving the dividends is the owner of stock in the corporation distributing such dividends:

“a. Possessing at least 20 percent of the total combined voting power of all classes of stock entitled to vote; and

"b. Constituting at least 20 percent of the total number of shares of all classes of stock other than classes of stock which are limited and preferred as to dividends;

"Neither the dividends deductible by reason of this subdivision nor the value of the assets of the corporation paying the dividends shall be taken into account in determining the amount of interest or other expenses attributed to nonbusiness income pursuant to the second sentence of subdivision (2) of this subsection.

"(16) Organizational expenses ratably over a period of not less than 60 months determined in accordance with 26 U.S.C. § 248;

"(17) The deduction allowed by 26 U.S.C. § 179 (relating to expensing certain depreciable property); provided that no deduction shall be allowed by subdivision (6) for any amount allowed as a deduction under this subdivision;

"(18) Notwithstanding subdivision (1), the deduction for expenses of travel, entertainment and meals shall be determined in accordance with 26 U.S.C. § 274; and

"(19) In the case of a personal service corporation that is subject to the minimum distribution requirements of 26 U.S.C. § 280H, the deductions otherwise allowed by this section shall be limited in accordance with 26 U.S.C. § 280H.

"(b) Notwithstanding any provision of subsection (a), no deduction shall be allowed for any losses, expenses, or interest deferred or disallowed pursuant to 26 U.S.C. § 267 (with respect to transactions between related taxpayers), or any cost required to be capitalized in accordance with 26 U.S.C. §§ 263 or 263A.

"§40-18-35.1.

"In computing the taxable income of corporations subject to income tax as outlined in Section 40-18-35, there shall be allowed, in addition to the deductions specified therein, a deduction for the sum of the net operating losses which may be carried forward to the taxable year for which the net income of the corporation is being computed.

"(1) The term "net operating loss" for the purposes of this section means the excess of the deductions (other than the deduction allowed by this subdivision) allowed by this chapter during a taxable year of the corporation over the corporation's gross income during that taxable year. For purposes of this paragraph, the corporation's gross income and allowable deductions shall be determined under the provisions of this chapter applicable to the year in which the net operating loss arises.

"(2) A net operating loss shall be carried forward to the earliest subsequent taxable year in which the corporation has taxable income

(determined without taking into account the deduction allowed by this subdivision). The amount of a net operating loss which may be carried to any later taxable year shall be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this taxable year.

“(3) If net operating losses arising in more than one taxable year can be carried forward to a taxable year of the corporation, the net operating loss arising from the earliest of those years shall be deducted first.

“(4) The net operating loss deduction allowed by this section shall be limited to sources attributable to Alabama.

“(5) A net operating loss may be carried forward and deducted only during the 15 consecutive year period immediately following the taxable year in which it arose.

“(6) In the case of an acquiring corporation subject to the rules of 26 U.S.C. § 381, or in the case of a new loss corporation within the meaning of 26 U.S.C. § 382, or in the case of the recognized built-in gains of a gain corporation within the meaning of 26 U.S.C. § 384, only the net operating losses as are allowable in accordance with 26 U.S.C. §§ 381, 382, and 384 shall be allowed as a deduction under this section. This subdivision shall be applied before the limitations in the preceding subdivisions are applied.

“§40-18-39.

“(a) Except as provided in subsection (c), every corporation, joint stock company, or association subject to income tax under this chapter shall file a return with the Department of Revenue for each taxable year, stating specifically the items of its gross income and the deductions and credits allowed by this chapter. In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, such receivers, trustees, or assignees shall file returns for such corporations in the same manner and form as corporations are required to file returns. Any tax due on the basis of such returns filed by receivers, trustees, or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control. Returns filed on the basis of the calendar year shall be filed on or before March 15 following the close of the calendar year. Returns filed on the basis of a fiscal year shall be filed on or before the fifteenth day of the third month following the close of the fiscal year. The Department of Revenue may grant a reasonable extension of time for filing returns under such rules and regulations as it shall prescribe. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

“(b) As used in this chapter, unless the context requires otherwise:

“(1) “Alabama affiliated group” means a group of corporations that constitute an affiliated group as defined in 26 U.S.C. § 1504, one or more members of which are subject to tax under Section 40-18-31, but shall not include corporations subject to the insurance premium license tax imposed by Section 27-4A-1 et seq. or the financial institution excise tax imposed by Section 40-16-1 et seq.

“(2) “Alabama consolidated return” means an Alabama corporation income tax return filed by or on behalf of the members of an Alabama affiliated group in accordance with this section, pursuant to an election made under subsection (c) below.

“(3) “Separate return” means an Alabama corporation income tax return filed by a single corporation in accordance with this chapter.

“(4) “Common Parent” shall have the meaning given to that term by 26 U.S.C. § 1504(a).

“(5) “Treasury regulations” means final and temporary regulations now or hereafter promulgated by the U.S. Treasury Department pursuant to 26 U.S.C. § 1501 et seq. References to applicable Internal Revenue Code sections in this section shall include the related Treasury regulations.

“(c)(1) An Alabama affiliated group filing or required to file a federal consolidated income tax return may elect to file an Alabama consolidated return for the same taxable year. However, under no circumstances may the Department of Revenue compel a taxpayer to file an Alabama consolidated return if the taxpayer has not so elected.

“(2) Notwithstanding any provision in this section to the contrary, foreign corporations that are members of an Alabama affiliated group electing to file an Alabama consolidated return and not otherwise subject to the franchise tax levied by Section 40-14-41 shall not become subject to the franchise tax by virtue of being a member of an Alabama affiliated group filing an Alabama consolidated return.

“(3) An Alabama affiliated group electing to file an Alabama consolidated return under this subsection shall be treated as a single corporation solely for purposes of this chapter and Chapter 27 of this title. All transactions between and among members of the Alabama affiliated group shall be eliminated in computing taxable income in accordance with Section 40-18-33, and in determining

the property, payroll, and sales factors in accordance with Section 40-27-1, Article IV.

“(4) The election made in accordance with this subsection shall be filed by the common parent of the Alabama affiliated group as agent for all members of the Alabama affiliated group, on a form prescribed by the Department of Revenue. The election shall be filed with the Department of Revenue on or before the due date of the Alabama consolidated return, including extensions, for the first taxable year for which the election is made and is to be effective.

“(5) The tax liability of the Alabama affiliated group shall be determined by applying the rate specified in Section 40-18-31 to the taxable income of the Alabama affiliated group. The taxable income or loss of the Alabama affiliated group, and the business and nonbusiness income of each member, shall be computed and determined in accordance with this chapter and with the rules of allocation and apportionment under Section 40-27-1, Article IV, and the regulations promulgated thereunder by the Department of Revenue.

“(6) Any election to file an Alabama consolidated return pursuant to this subsection shall be binding on both the Department of Revenue and the Alabama affiliated group for a period beginning with the first month of the first taxable year for which the election is made and ending with the conclusion of the taxable year in which the ninety-sixth consecutive calendar month expires, except that the election shall terminate automatically upon the revocation or termination of its federal consolidated return election. If an election made pursuant to this subsection is terminated by an Alabama affiliated group by virtue of the revocation or termination of its federal or Alabama consolidated return election, no member of the Alabama affiliated group may be included in an Alabama consolidated return filed by the Alabama affiliated group, or by another Alabama affiliated group with the same common parent or a successor to the same common parent, before the sixty-first month beginning after the first taxable year for which the election was revoked; provided, however, that the Department of Revenue may waive application of this provision to any corporation or Alabama affiliated group for any period, consistent with the provisions of 26 U.S.C. § 1504.

“(7) An Alabama affiliated group that has made an Alabama consolidated return election under this subsection shall be assessed an annual fee for the privilege of filing an Alabama consolidated return, which shall be assessed, collected, and distributed as an income tax but shall be due and payable at the time

the return is due, including any extensions thereof. The annual fee shall be a graduated fee based upon the aggregate amount of total assets, determined in accordance with Treasury Department Form 1120 or any successor form, of the Alabama affiliated group for the taxable year to which the fee relates, as set out below:

Total Assets	Annual Fee
\$0 to \$2,500,000	\$2,500
\$2,500,001 to \$5,000,000	\$5,000
\$5,000,001 to \$7,500,000	\$7,500
\$7,500,001 to \$10,000,000	\$10,000
\$10,000,001 and over	

“(d) Each corporation included as Part of an Alabama affiliated group filing an Alabama consolidated return shall be jointly and severally liable for the Alabama income tax liability of the Alabama affiliated group with respect to the taxable year, and the fee prescribed above; except that any corporation which was not a member of the Alabama affiliated group for the entire taxable year shall be jointly and severally liable only for the portion of the Alabama consolidated income tax liability attributable to that portion of the year during which the corporation was a member of the Alabama affiliated group, prorated on a daily basis.

“(e) Every corporation return or report required by this chapter shall be executed by one of the following officers of the corporation: the president, vice-president, secretary, treasurer, assistant secretary, assistant treasurer, or chief accounting or financial officer, except that in the case of an Alabama affiliated group filing an Alabama consolidated return, one of the above-described officers of the common parent of the Alabama affiliated group may execute the return on behalf of the Alabama affiliated group. The Department of Revenue may require a further or supplemental report of information and data necessary for computation of the tax.

“(f) If the taxpayer has requested an extension of time for the filing of a separate or Alabama consolidated return, the period during which such return will be considered timely filed shall not expire until 10 days after the Department of Revenue mails to the taxpayer a rejection of its request for an extension of time for filing such return

“(g) If, in a taxable year preceding the filing of the first Alabama consolidated return for the Alabama affiliated group of

which the corporation is a member, (1) the corporation realized a gain or loss on a transaction; (2) the corporation was subject to tax under Section 40-18-31 in the year; (3) the transaction was treated as a deferred intercompany transaction for federal income tax purposes; and (4) the transaction was not deferred for Alabama income tax purposes, the taxable income and basis in the hands of the Alabama affiliated group shall be adjusted to reflect the different treatment of the transaction and any property acquired or disposed of in the transaction.

“(h) If, in a taxable year before the corporation became a member of an Alabama affiliated group that has elected to file an Alabama consolidated return, the corporation incurred a net operating loss, the deductibility of the loss on the Alabama consolidated return shall be limited in accordance with the separate return limitation year (“SRLY”) rules contained in 26 U.S.C. § 1502.

“(i) Nothing in this section shall be construed as allowing or requiring the filing of a combined income tax return under the unitary business concept.

“(j) The Department of Revenue shall promulgate regulations interpreting the provisions of this section that are consistent, to the maximum extent possible, with applicable Treasury regulations.

“§40-18-74.

“(a) Every employer required to deduct and withhold tax under Section 40-18-71 shall, for the quarterly period beginning January 1, 1999, and for each quarterly period thereafter, on or before the fifteenth day of the month following the close of each quarterly period file a return and pay to the Department of Revenue the tax required to be withheld under Section 40-18-71. Where the aggregate amount required to be deducted and withheld by any employer for either the first or second month of a calendar quarter exceeds \$1,000 the employer shall by the fifteenth day of the succeeding month file a return and pay the aggregate amount to the Department of Revenue. The amount paid shall be allowed as a credit against the liability shown on the employer's quarterly withholding return required by this section. Any employer required under this section to make monthly payments of the aggregate amount required to be deducted and withheld that does not file a return and pay the aggregate amount by the prescribed date shall be subject to the same penalties provided in Section 40-2A-11.

“(b) If the department, in any case, has reason to believe that the collection of the tax provided for in Section 40-18-71 is in jeopardy, it may require the employer to file a return and pay the tax at any time.

“(c) Every employer, who fails to withhold or pay to the department any sums required by this chapter to be withheld and paid, shall be personally and individually liable therefor to the State of Alabama, and any sum or sums withheld in accordance with the provisions of Section 40-18-71 shall be deemed to be held in trust for the state.

“(d) In the event an employer fails to withhold or pay to the department any amount required to be withheld under Section 40-18-71, that amount may be assessed against the employer in the same manner as is prescribed for the assessment of income tax under the provisions of Section 40-18-40. The employer may appeal from the final assessment in the same manner as is prescribed by law for appeals by the taxpayer. When no appeal is taken by the employer, execution may be issued upon the final assessment in the same manner as is provided by law for the issuance of an execution by the Department of Revenue.

“(e) The state shall have a lien upon all the property of any employer who fails to withhold or pay to the department sums required to be withheld under Section 40-18-71. If the employer withholds but fails to pay the amounts withheld to the department, the lien shall accrue as of the date the amounts withheld were required to be paid to the department. If the employer fails to withhold, the lien shall accrue at the time the liability of the employer becomes fixed.

“§40-18-81.

“Any individual may elect to file a “short form” return provided by the Department of Revenue and pay any tax due; provided, that the individual does not have income from sources other than wages except for interest and dividend income of not more than \$1,500. Items allowed on the short forms shall be determined by regulation under the provisions of the Alabama Administrative Procedure Act.

Section 2. Sections 29-1-8.1, 40-18-12, 40-18-18, 40-18-84, 40-18-120, and 40-18-121, Code of Alabama 1975, are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. To the extent this act adopts provisions of the federal “Taxpayer Relief Act of 1997” or the “Taxpayer Browsing

Protection Act of 1997," the provisions hereof shall become effective on the same effective date of the change to the specified federal statute cited within the provisions of this bill; otherwise, this act shall be effective for all taxable years beginning after December 31, 1997, except that Section 40-18-14.3, Section 40-18-30 as amended, subsection (b) to Section 40-18-31, subsection (b) to Section 40-18-34, and Section 40-18-39 as amended shall be effective for all taxable years beginning after December 31, 1998, following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 1, 1998

Time: 9:11 A.M.

Act No. 98-503

H. 530 – Rep. Fuller

AN ACT

To amend Sections 33-2-210 and 33-2-212, Code of Alabama 1975, in order to provide further for the deposit of moneys in and the disposition of moneys in the Alabama State Docks Facilities Contingency Trust Fund in fiscal years commencing on or after October 1, 1998; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 33-2-210 and 33-2-212, Code of Alabama 1975, are amended to read as follows:

“§33-2-210.

“Beginning with the fiscal year commencing on October 1, 1987, the first nine million five hundred thousand dollars (\$9,500,000) of the net amount of all taxes required to be deposited to or certified into the State Treasury to the credit of the state general fund pursuant to Section 40-20-8, during each quarter of each fiscal year shall be credited to an account to be established in the State Treasury and known as the Alabama State Docks Facilities Contingency Trust Fund. All funds deposited in the State Treasury to the credit of the Alabama State Docks Facilities Contingency Trust Fund are to the extent set out herein appropriated to the Alabama State Docks Department and shall be transferred to that department upon the making by the director of finance of the factual determinations hereinafter provided for. In no case shall the amount transferred and paid out of the Alabama State Docks Facilities Contingency Trust Fund to the Alabama State Docks Department exceed the sum of nine million five hundred thousand dollars (\$9,500,000) during any fiscal year. In no event, however, shall the Alabama State Docks Department be required to use any appropriation made pursuant to this article in a manner that would

result in any bonds heretofore or hereafter issued by or on behalf of the state constituting a debt of the state in violation of any constitutional prohibition or limitation.

“§33-2-212.

“Within 20 days after the close of any quarter of any fiscal year during which moneys have been transferred and paid to the Alabama State Docks Department pursuant to a notification of expected deficiency as described in Section 33-2-211, a written report shall be filed by the Director of the Alabama State Docks Department with the Director of Finance supported by such documentation as may be deemed appropriate by the Director of Finance, attesting to the amount of the actual deficiency, if any, incurred during that quarter by the Alabama State Docks Department respecting its facilities, computed by subtracting the sum of the revenues actually derived by the Alabama State Docks Department from the operation of its facilities for that quarter and those moneys actually made available during that quarter to the Alabama State Docks Department pursuant to Section 40-13-6, from the aggregate of (1) the expenses incurred in operating and maintaining the Alabama State Docks Department's coal handling facilities during that quarter (including depreciation for that quarter not to exceed five hundred thousand dollars (\$500,000)), (2) the expenses incurred in operating and maintaining all the Alabama State Docks Department's other facilities during that quarter (exclusive of depreciation), and (3) an amount equal to the principal and interest that came due during that quarter on (a) those bonds of the Alabama State Docks Department for payment of principal of and interest on which the revenues of the department's coal handling facilities have been pledged and for which payment has not otherwise been provided through the establishment of a trust or escrow fund making provision for the payment and retirement thereof, and (b) all other bonds or obligations of the state or of the Alabama State Docks Department for payment of principal of and interest on which any of the revenues of the department have been pledged and for which payment has not otherwise been provided through the establishment of a trust or escrow fund making a provision for the payment or retirement thereof. Upon receipt of that report and such documentation with respect thereto from the Alabama State Docks Department as the director of finance may specify, the director of finance, if satisfied as to the accuracy of the amount of the actual deficiency as reflected in the report and accompanying documentation, shall so determine in writing and, if the actual deficiency is greater than the expected deficiency previously computed under this article respecting the quarter in question, there shall be transferred and

paid, during the quarter in which such a report of an actual deficiency is filed, out of the Alabama State Docks Facilities Contingency Trust Fund to the Alabama State Docks Department an amount equal to the lesser of (i) the excess of the actual deficiency (computed as described in this section) over the amount previously paid to the Alabama State Docks Department respecting the expected deficiency for the immediately preceding quarter, or (ii) the balance then contained in the Alabama State Docks Facilities Contingency Trust Fund. If at such time the excess of the actual deficiency over the amount previously paid to the Alabama State Docks Department respecting the expected deficiency for the then immediately preceding quarter is more than the balance then contained in the Alabama State Docks Facilities Contingency Trust Fund, the amount of that difference shall be taken into account in determining the expected deficiency, if any, for the then current quarter as if the amount of that difference constituted an expense anticipated to be incurred in operating and maintaining the Alabama State Docks Department's facilities during the then current quarter. If the actual deficiency is less than the amount previously paid to the Alabama State Docks Department respecting the expected deficiency for the immediately preceding quarter, the amount of that difference shall be taken into account in determining the expected deficiency, if any, for the then current quarter as if the amount of that difference constituted revenues anticipated to be derived by the Alabama State Docks Department from the operation of its facilities for the then current quarter, provided that, in the event there is no expected deficiency for such quarter or if such deficiency does not equal said difference any amount of said difference not taken into account as provided in this sentence for the then current quarter shall be taken into account in determining the expected deficiencies, if any, for future quarters, until said difference shall have been fully taken into account. Within 45 days after the close of the third quarter of each fiscal year, any moneys then contained in and as shall during the remainder of the fourth quarter of the fiscal year be deposited to the credit of the Alabama State Docks Facilities Contingency Trust Fund, except for an amount equal to the amount anticipated to be needed by the department during the fourth quarter of the fiscal year to satisfy the expected deficiency, if any, for that quarter, shall be transferred out of the Alabama State Docks Facilities Contingency Trust Fund and deposited to the State General Fund.

"The provisions of the immediately preceding paragraph of this section to the contrary notwithstanding, in any fiscal year commencing on or after October 1, 1998, if the determination of the Director of Finance, either as described in Section 33-2-211 regarding an

expected deficiency, or as described in this section regarding an actual deficiency being in excess of an expected deficiency for the immediately preceding quarter of the then current fiscal year, has not been made during the first twenty-nine days of any quarter of such fiscal year, any moneys then contained in, and as shall, during the remainder of such quarter of such fiscal year, be deposited to the credit of, the Alabama State Docks Facilities Contingency Trust Fund shall be transferred out of the Alabama State Docks Facilities Contingency Trust Fund on the thirtieth day of each month in such quarter and deposited to the State General Fund.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, upon its otherwise becoming a law.

Approved May 1, 1998

Time: 9:07 A.M.

Act No. 98-504

H. 235 – Rep. Fuller

AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1999.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1999, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this act, the amounts specified in subsections (a), (b), (c), and (d) of Section 3 of this act. For the purpose specified in subsection (b) of Section 2 of this act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this act. For the purpose of this act, “ETF” shall mean the Education Trust Fund and “Federal and Local Funds” shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

Section 2. (a) The appropriations provided for in this act shall be paid from funds in the State Treasury to the credit of the Education Trust Fund, Alabama Peace Officers’ Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending

September 30, 1999, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of the Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown hereinafter under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available, and the same are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Education Trust Fund	Earmarked Funds	Appropriation Total
3A. LEGISLATIVE BRANCH:			
1. COMMUNITY SERVICES GRANTS, JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON:			
(a) Community Services Grants Program			5,000,000
SOURCE OF FUNDS:			
(1) ETF	5,000,000		
Total Community Services Grants, Joint Legislative Oversight Committee on	5,000,000		5,000,000
2. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:			
(a) Educational Audit Services Program.....			2,073,994
SOURCE OF FUNDS:			
(1) ETF	2,073,994		
Total Examiners of Public Accounts, Department of	2,073,994		2,073,994

In addition to the above appropriation, there is hereby appropriated \$800,000 from the Education Trust Fund to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

3. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program	51,000
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SOURCE OF FUNDS:

(1) ETF	51,000	
Total Law Institute, Alabama ...	51,000	51,000

3B. EXECUTIVE BRANCH:

1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program	91,634
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SOURCE OF FUNDS:

(1) ETF	91,634	
Total American Legion and Auxiliary Scholarships	91,634	91,634

To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4.

2. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Education Management Program	485,000
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SOURCE OF FUNDS:

(1) ETF	485,000	
Total Archives and History, Department of.....	485,000	485,000

3. ARTS, STATE COUNCIL ON THE:

(a) Community Arts and Cultural Programs	500,000
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(b) Fine Arts Program	4,593,423
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SOURCE OF FUNDS:

(1) ETF	4,593,423		
(2) Federal and Local Funds ...		500,000	
<hr/>			
Total Arts, State Council on the.....	4,593,423	500,000	5,093,423
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4. BUILDING COMMISSION,
STATE:

(a) Special Services Program ..	1,135,679
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SOURCE OF FUNDS:

(1) ETF-Transfer.....	596,356		
(2) Bond Issue Proceeds-Transfer.....		539,323	
<hr/>			
Total Building Commission, State	596,356	539,323	1,135,679
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In addition to the above appropriation to the State Building Commission, there is hereby appropriated \$200,000 to be conditioned upon the availability of funds in the ETF, recommendation of the Director of Finance, and approval of the Governor; provided, however, that it is the intent of the Legislature that said conditional appropriation to the Building Commission shall be a first priority conditional appropriation (in the event funds from the bond proceeds pursuant to Senate Bill 409 of the 1998 Regular Session are not available to the Building Commission in FY 1999) and shall be released jointly with any other first priority conditional appropriations made from the ETF.

5. BUSKEY MATCHING
FUNDS - PENNY TRUST
FUND:

(a) Special Services Program, Estimated.....	100,000
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SOURCE OF FUNDS:

(1) ETF-Transfer.....	100,000	
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Total Buskey Matching Funds - Penny Trust Fund.....	100,000	100,000

In accordance with Sections 41-15A-10 through 41-15A-12, Code of Alabama 1975. It is the intent of the Legislature that any of the above appropriation which is not needed to match contributions shall be deposited into the Penny Trust Fund.

6. CHILD ABUSE AND NEG-
LECT PREVENTION
BOARD:

(a) Social Services Program...	2,191,230
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In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ETF-Transfer.....	2,191,230	
<hr/>		
Total Child Abuse and Neg- lect Prevention Board.....	2,191,230	2,191,230

7. DEBT SERVICE:

(a) Debt Service Program	12,567,245
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For payments on interest and principal of General Obligation Refunding Bonds, Series A and B.....11,568,233

In the event it is determined that funds should be transferred from the ETF to the State General Fund for reimbursement of sales taxes on automobiles erroneously

deposited into the ETF, the amount of ETF funds required to be transferred, up to the amount of the above appropriation for debt service on General Obligation Refunding Bonds 1992, Series A and B, shall be expended for such debt service.

For payments on endowments as follows:

For interest and principal on University of Montevallo (Alabama College) Endowment384,268

For interest on Auburn University Endowment ...20,280

For interest on University of Alabama Endowment..61,000

For interest on Grove Hill Endowment.....600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated410,000

Interest on School Indemnity Lands, Estimated90,000

Interest on Valueless 16th Section Lands5,825

Interest on Surplus Revenue.....26,764

Interest on James Wallace Fund275

Total Interest on Public School Fund Endowment.....532,864

SOURCE OF FUNDS:

(1) ETF 12,034,381

(2) ETF-Transfer..... 532,864

Total Debt Service 12,567,245 12,567,245

8. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program	121,854
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SOURCE OF FUNDS:

(1) ETF	121,854	
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Total Dental Scholarship Awards, Board of	121,854	121,854
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To be expended under the provisions of Code of Alabama 1975, Sections 16-47-76 through 16-47-81.

9. DRUG EDUCATION AND
AWARENESS OVERSIGHT
COUNCIL:

(a) Support of Other Educational Activities Program	793,253
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SOURCE OF FUNDS:

(1) ETF	793,253	
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Total Drug Education and Awareness Oversight Council ..	793,253	793,253
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To be expended under the provisions of Code of Alabama 1975, Sections 41-25-1 through 41-25-5. It is the intent of the Legislature that all existing programs be level-funded in FY 1998-99 at the FY 1997-98 levels. In addition to the above appropriation there is hereby conditionally appropriated \$100,000 to the Drug Education and Awareness Oversight Council, which shall be used to establish new DARE programs, to be conditioned upon the availability of funds in the ETF, recommendation of the Finance Director and the approval of the Governor.

10. EDUCATION, STATE
BOARD OF - K-12 FOUN-
DATION PROGRAM:

(a) Salary Matrix Adjust- ment	16,596,039
(b) Foundation Program	2,581,163,813
(c) Transportation Program ...	145,953,895

Of the above appropriation,
the amount necessary to
fund a transportation pro-
gram for alternative and
gifted students in any school
system in a Class I munici-
pality shall be calculated in
the distribution formula by
the State Department of
Education for the trans-
portation program.

(d) At-Risk Student Program..	30,746,700
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The above appropriation shall
be used to develop programs
that address the needs of at-
risk students as defined by
the State Department of
Education. These programs
shall provide additional serv-
ices that increase the
amount and quality of in-
structional time with ex-
tended learning time oppor-
tunities including, but not
limited to, before and after
school programs, summer
programs, tutoring pro-
grams, weekend programs,
and alternative schools. A
portion of the appropriation
may also be used for training
parents and teachers to work
with at-risk students and to
provide services that meet
identified critical needs of
at-risk students. It is the
intent of the Legislature that

the appropriation for professional development shall include an amount to be expended for professional development programs designed to assist teachers and administrators in recognizing and appropriately responding to warning signs of gang activity, potential violence and student safety risks and sexual misconduct in the school.

(e) Endowment Interest Program-Public School Fund.....	532,864
(f) Hold Harmless Program-Public School Fund	9,403,038
(g) Capital Outlay Program-Public School Fund.....	68,596,962
(h) Board of Adjustment.....	450,000

SOURCE OF FUNDS:

(1) ETF	2,553,030,607	
(2) Federal and Local Funds .	221,879,840	
(3) Public School Fund.....	78,532,864	
Total Education, State Board of - K-12 Foundation Program	2,553,030,607	300,412,704 2,853,443,311

The above appropriation shall be distributed by the State Board of Education in accordance with the provisions of the Code of Alabama 1975, Sections 16-13-230 through 16-13-239, and all other laws and regulations of the State Board of Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state: Foundation Program calculations for FY 1998-99 are based on the funding divisors set forth below. Such divisors shall not serve to prescribe pupil-teacher ratios.

Grades	K - 3	14
Grades	4 - 6	22

Grades7 - 8

21

Grades9 - 12

18

In allocating the funds in the Foundation Program, the State Board of Education shall allot funds based on the rates established as follows: The Foundation Program shall use the following salary matrix to determine the cost of instructional salaries:

Years Experience	BS	MS	6Y	DO	ND
less than 3	28,082	32,294	34,821	37,349	28,082
3 but less than 6	30,890	35,523	38,303	41,083	30,890
6 but less than 9	31,311	36,008	38,826	41,644	31,311
9 but less than 12	31,732	36,492	39,348	42,204	31,732
12 but less than 15	32,153	36,976	39,870	42,764	32,153
15 but less than 18	32,575	37,461	40,393	43,324	32,575
18 but less than 21	32,996	37,945	40,915	43,885	32,996
21 or greater	33,417	38,430	41,437	44,445	33,417

For "Fringe Benefits" the rate per day for two personal days and five sick days (for units earned in the Foundation Program) shall be \$35. The Teachers' Retirement System rate shall be 4.03% of salaries and the Public Education Employees' Health Insurance Program (PEEHIP) rate shall be \$225.00 per month for each full-time employee. In addition to the above appropriation from the Foundation Program for the PEEHIP Board, there is hereby appropriated to the Foundation Program for the PEEHIP from the ETF such additional amount as may be necessary to fully fund health claims plus maintain a 10% reserve in the PEEHIP Fund based on claims paid in the fiscal year beginning October 1, 1998. The PEEHIP Board of Control, through its administrator and Secretary-Treasurer shall notify the State Comptroller and the State Finance Director of the amount of funds necessary to be transferred from the Education Trust Fund to the PEEHIP Board of Control monthly in order to maintain a monthly reserve of ten percent (10%), and such amounts as may be necessary shall be transferred.

For "Classroom Instructional Support" the uniform amounts used in determining the Foundation Program allowance for classroom instructional support shall be: (1) classroom materials and supplies at \$500 per unit earned in the Foundation Program; (2) textbooks at \$52.50 per pupil in average daily membership during the first forty scholastic days of the preceding school year; (3) technology at \$75 per unit earned in the Foundation Program; (4) professional development

at \$60 per unit earned in the Foundation Program; (5) library enhancement at \$135 per unit earned in the Foundation Program. The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Other expenditures may include book binding, repair, CD ROMs, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes. Notwithstanding the foregoing, the budgeting and expenditure of funds in the Foundation Program at the local level shall be determined and made by the local board of education in accordance with rules and regulations of the State Board of Education and all laws governing such school budgets and expenditures.

**11. EDUCATION, STATE
BOARD OF - POSTSECOND-
ARY PRISON EDUCATION:**

(a) Operations and Maintenance	11,243,604
(b) Restricted Funds	2,415,000

SOURCE OF FUNDS:

(1) ETF	8,320,821		
(2) Federal and Other Funds		5,337,783	
Total Education, State Board of - Postsecondary Prison Education	8,320,821	5,337,783	13,658,604

**12. EDUCATION, STATE
BOARD OF - POSTSEC-
ONDARY SKILLS TRAIN-
ING AND EDUCATION:**

(a) Operations and Maintenance	26,989,346
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SOURCE OF FUNDS:

(1) Federal and Local Funds ...	26,989,346		
Total Education, State Board of - Postsecondary Skills Training and Education	26,989,346	26,989,346	

**13. EDUCATION, STATE
BOARD OF - TWO-YEAR
COLLEGE SYSTEM:**

(a) Coosa Valley Nursing Pro- gram at Central Alabama Community College	99,696
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(b) Small Business Assistance Public/Private Partnership Program.....	150,000
(c) Critical Needs Program....	534,500
(d) Operations and Maintenance	292,113,877
(e) Auxiliary Enterprises.....	20,969,248
(f) Restricted Funds	78,085,000

SOURCE OF FUNDS:

(1) ETF	198,394,762		
(2) Federal and Other Funds ...	193,557,559		
Total Education, State Board of - Two-Year College System	198,394,762	193,557,559	391,952,321

(1) Each community, junior and technical college shall receive the amount necessary to fund an 8.5% salary increase, Step 20, C-3 schedule and the increased cost of PEEHIP from the appropriation for operations and maintenance. Any additional ETF monies, of approximately \$500,000, remaining over the FY 1998 level of funding may be expended by the State Board of Education for Bevill State Community College pursuant to the approval of an agreement for Walker College to come under the direct supervision and control of the Department of Postsecondary Education and the State Board of Education. In addition to the appropriation to the State Board of Education for Bevill State Community College and pursuant to the approval of an agreement for Walker College to come under the direct supervision and control of the Department of Postsecondary Education, there is hereby appropriated from the ETF the amount of \$1,000,000 to be conditioned upon the availability of funds in the ETF and the approval of the Governor. This conditional appropriation shall be a joint first priority conditional with the Alabama Institute for Deaf and Blind and the Telephone Revolving Fund. These first priority conditionals shall be released in full before any other conditional from the ETF may be released. Each community, junior and technical college shall receive the same proportionate share from the remainder of the appropriation for operations and maintenance as was received during the 1997-98 fiscal year for operations and maintenance.

(2) The allocations required herein shall be distributed among the following colleges: (1) Alabama Southern Community College; (2) Harry M. Ayers State Technical College; (3) Bessemer State Technical College; (4) Bevill State Community College; (5) S.D. Bishop State Community College; (6) John C. Calhoun State Community College; (7) Central Alabama Community College; (8) Chattahoochee Valley

State Community College; (9) J.F. Drake State Technical College; (10) Enterprise State Junior College; (11) Faulkner State Community College; (12) Gadsden State Community College; (13) J.F. Ingram State Technical College; (14) Jefferson Davis State Community College; (15) Jefferson State Community College; (16) Theodore A. Lawson State Community College; (17) Lurleen B. Wallace State Junior College; (18) Douglas MacArthur State Technical College; (19) Northeast Alabama State Community College; (20) Northwest-Shoals Community College; (21) John M. Patterson State Technical College; (22) Ed E. Reid State Technical College; (23) Shelton State Community College; (24) Snead State Community College; (25) Chauncey Sparks State Technical College; (26) Southern Union State Community College; (27) Council Trenholm State Technical College; (28) George C. Wallace State Community College (Dothan); (29) George C. Wallace State Community College (Hanceville); (30) George C. Wallace State Community College (Selma).

(3) The appropriation in (b) above for the Small Business Assistance-Public/Private Partnership Program shall be allocated to George C. Wallace State Community College (Selma).

(4) The appropriation for the Critical Needs Program in (c) above shall be distributed to community, junior and technical colleges based on demonstrated critical needs as determined by the Chancellor of the Postsecondary Education System.

(5) In addition to the above appropriation there is hereby appropriated \$2.9 million to the Mobile Campus of the Alabama Aviation and Technical College and \$100,000 to Snead State Community College to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

14. EDUCATION, STATE DEPARTMENT OF:

(a) Teaching Children with Disabilities Program	100,000
(b) Alabama Center for Law and Civic Education	100,000
(c) Multi-System Evaluation Center Program	230,000

Of the above appropriation to the Multi-System Evaluation Center, it is the intent of the Legislature that \$90,000 shall be utilized to continue a multi-system

evaluation center in West Alabama.

- (d) National Board for Professional Teaching Standards ...

100,000

Alabama teachers desiring to take the examination shall apply for funding. A panel consisting of the State Superintendent of Education, the Executive Secretary of the Alabama Education Association, and the Deans of the Colleges of Education of Auburn University, Alabama A and M University, Alabama State University, and the University of Alabama (or their designees) shall review and screen the applicants and choose the recipients. The State Superintendent of Education and the Executive Secretary of the Alabama Education Association shall be co-chairs of the panel and shall call the first meeting. The panel shall require recipients to commit to teach in Alabama public schools for an additional period of five years unless an exception is granted by the panel for good cause.

- (e) Alabama PTA Project

50,000

- (f) Administrative Services Program

56,778,451

The proposed spending plan for the ETF monies included in the above program is as follows:

Operations and
Maintenance of the
Department.....18,186,534

Of the above appropriation for operations and maintenance,

\$75,000 shall be allocated to the Space/Technology Camp Program.

Dependents of
Blind Parents12,750

Of the above appropriation, \$12,750 shall be allocated for reimbursement to every state institution of higher learning, college, university, community college, technical college, or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.

Civic Education
Project150,000

Dropout Prevention Pilot
Project165,000

The pilot project for dropout prevention shall be expended to fund the implementation of strategies deemed effective in reducing the incidence of dropouts and it shall fund programs for students whose education was interrupted for disciplinary reasons. It shall be utilized to allow those students to complete their high school diplomas, GED preparation, or vocational education (for age-qualified students).

Alabama Young Farmers Education Program45,252

To be administered by the Houston County Board of Education.

Project AIM10,000

PALS	35,000	
Alabama Writing Project	100,000	
American Village	300,000	
To be administered by the Citizenship Trust pursuant to Section 16-44A-31 et seq. of the Code of Alabama 1975 (Act 95-376) for statewide citizenship education pro- grams and the American Village constitution and citi- zenship education center.		
Booker T. Washington Mag- net Arts High School ...	400,000	
The above appropriation may be used for program opera- tions and/or capital outlay and equipment.		
Alabama Governor's School for the state summer school program at Booker T. Wash- ington Magnet Arts High School.....	150,000	
Citizenship and Character and Leadership Education	200,000	
(g) At-Risk Student Program		5,384,500
The above appropriation is to be used for providing assistance in serving at-risk students in the local school systems.		
(h) Adult Basic Education Pro- gram		14,852,183
Of the above appropriation, \$80,000 shall be allocated to the Education Alternative Program.		
(i) Community Education Program		1,272,224
Of the above appropriation, \$100,000, in addition to the		

amount that is normally allocated, shall be allocated to the Birmingham City Community Education Program.

(j) Financial Assistance Program	407,330,071
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The proposed spending plan for the ETF monies included in the above program is as follows:

Pre-School Program...2,508,579

National Geographic Grant-Matching Funds.....50,000

(k) Alabama Science In Motion Program	3,475,000
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It is the Legislature's intent that all funds appropriated to this program be expended in accordance with Title 16, Chapters 61B and 61C, Code of Alabama 1975.

(1) Disability Determination for Social Security Program...	36,188,632
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SOURCE OF FUNDS:

(1) ETF	35,239,561		
(2) ETF-Transfer	2,475,000		
(3) Educational Technology Fund		1,000,000	
(4) Federal and Local Funds ...		487,146,500	
Total Education, State Department of.....	37,714,561	488,146,500	525,861,061

15. EDUCATIONAL TELEVISION COMMISSION:

(a) Educational Television and Public Radio Service Program	8,733,639
(b) Capital Outlay Program ..	127,500

The above appropriation is for equipment replacement/upgrade purposes.

SOURCE OF FUNDS:

(1) ETF	7,376,389		
(2) Federal and Local Funds		1,484,750	
Total Educational Television Commission.....	7,376,389	1,484,750	8,861,139

16. FAMILY PRACTICE RURAL HEALTH BOARD:

(a) Family Practice Rural Health Program			833,540
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SOURCE OF FUNDS:

(1) ETF	833,540		
Total Family Practice Rural Health Board	833,540		833,540

17. FINANCE, DEPARTMENT OF - TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....			3,484,957
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SOURCE OF FUNDS:

(1) ETF-Transfer	3,484,957		
Total Finance, Department of - Telephone Revolving Fund...	3,484,957		3,484,957

The above appropriation from the ETF is conditioned upon the availability of funds in the ETF and the approval of the Governor. This conditional appropriation shall be a joint first priority conditional with the Alabama Institute for Deaf and Blind and the State Board of Education for Beville State Community College. These first priority conditionals shall be released in full before any other conditional from the ETF may be released. The Telephone Revolving Fund shall assess to using agencies and institutions any

additional amount necessary to provide continuing non-interrupted service of a minimum maintenance level.

18. FINE ARTS, ALABAMA
SCHOOL OF:

(a) Fine Arts Program 4,673,017

SOURCE OF FUNDS:

(1) ETF 3,844,723

(2) Federal and Local Funds .. 828,294

Total Fine Arts, Alabama
School of 3,844,723 828,294 4,673,017

19. FIREFIGHTERS' PER-
SONNEL STANDARDS AND
EDUCATION COMMISSION,
ALABAMA/ALABAMA
STATE FIRE COLLEGE-
SHELTON STATE COM-
MUNITY COLLEGE:

(a) Operations and Maintenance 4,622,493

Of the above appropriation,
\$30,000 shall be allocated to
the Alabama Rural and Com-
munity Fire Protection Insti-
tute.

(b) Auxiliary Enterprises..... 507,900

SOURCE OF FUNDS:

(1) ETF 3,103,107

(2) Federal and Local Funds ... 2,027,286

Total Firefighters' Personnel
Standards and Education
Commission, Alabama/Ala-
bama State Fire College-
Shelton State Community
College..... 3,103,107 2,027,286 5,130,393

In addition to the above ap-
propriation there is hereby
appropriated \$200,000 from
the ETF to be conditioned

upon the availability of funds in the ETF and the approval of the Governor.

20. HIGHER EDUCATION,
ALABAMA COMMISSION
ON:

- (a) Planning and Coordination Services Program 2,379,477

The proposed spending plan for the ETF monies included in the above program is as follows.

Operations and Maintenance.....2,379,477

- (b) Student Financial Aid Program 8,800,707

The proposed spending plan for the ETF monies included in the above program is to be distributed through ACHE as follows:

- (1) Educational Grants Program.....5,700,000

To be expended in accordance with Code of Alabama 1975, Sections 16-33A-1 through 16-33A-11.

- (2) Alabama National Guard Educational Assistance ..800,000

To be expended in accordance with Code of Alabama 1975, Sections 31-10-1 through 31-10-4 and Sections 31-10-20 through 31-10-25.

- (3) Teacher Education Scholarship Loan Program....600,000

To be expended in accordance with Code of Alabama 1975, Sections 16-23-24.

- (4) Chiropractic Scholarships.....37,986

To be expended in accordance
with Code of Alabama 1975,
Section 16-5-11.

(5) Policeman's Survivor Tui-
tion, Estimated.....60,000

To be expended under the pro-
visions of Code of Alabama
1975, Section 36-21-105.

(6) Alabama Student Assis-
tance Program1,547,471

(c) Support of Other Educa-
tional Activities Program

3,054,559

The proposed spending plan
for the ETF monies included
in the above program is to
be distributed through
ACHE as follows:

(1) Network of Alabama Aca-
demic Libraries450,000

It is the intent of the Legisla-
ture that \$50,000 of the ap-
propriation to the Network of
Alabama Academic Libraries
be expended for the Virtual
Library Project and that
ACHE shall provide for the
participation of Athens State
College in the Network of
Alabama Academic Libraries.

(2) Southern Regional Edu-
cation Board (SREB).....595,500

(3) EPSCoR-National Science
Foundation Program ..600,000

(4) Computer-Based Artic-
ulation System446,461

To fund Troy State University
for developing and operating
a statewide computer-based
articulation system to serve
all four-year and two-year
postsecondary institutions in
the State of Alabama.

(5) Governor's Commission on
Historically Black Colleges
and Universities.....100,000

To be expended pursuant to
Executive Order No. 21.

(d) Alabama Guaranteed Stu-
dent Loan Program 2,110,384

SOURCE OF FUNDS:

(1) ETF	12,416,895		
(2) ETF-Transfer.....	900,000		
(3) Federal and Local Funds ..		3,028,232	
Total Higher Education, Ala- bama Commission on	13,316,895	3,028,232	16,345,127

**21. HUMAN RESOURCES,
DEPARTMENT OF:**

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program	4,143,879
(b) JOBS Child Care and After School Child Care Program....	3,731,195

SOURCE OF FUNDS:

(1) ETF-Transfer.....	7,875,074	
Total Human Resources, De- partment of	7,875,074	7,875,074

Of the total state and federal
dollars received by the De-
partment of Human Resources
for the JOBS program, at least
\$600,000 shall be used to con-
tract with the Department of
Education-Adult Basic Educa-
tion Program for educational
services to JOBS participants.
Of the above appropriation,
\$50,000 shall be allocated to
the McRae Learning Center;
\$20,000 shall be allocated to
the Stillman Day Care;
\$25,000 shall be allocated for
the Essie Floyd Day Care

Center; \$25,000 shall be allocated to the Circle of Care; \$60,000 shall be allocated to the Angel Factory Welfare-to-Work Program; \$50,000 shall be allocated to the Georgia Ann King Charity; and \$19,000 shall be expended for the HERO Program in Hale County. Child care providers licensed by the Department of Human Resources shall be reimbursed for child care services at their published rate for the particular category or at the 75th percentile of the local market rate, whichever is less. The local market rate shall be established on a biennial basis based on a representative sample of licensed child care providers.

22. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:

(a) Operations and Maintenance Program.....	2,998,265
(b) Industrial Development and Training Program.....	15,051,273

SOURCE OF FUNDS:

(1) ETF	18,049,538	
Total Industrial Development Training Institute, Alabama..	18,049,538	18,049,538

Of the above appropriation to the Alabama Industrial Development Training Institute, \$5,000,000 shall be expended for operations and maintenance of the Mercedes Benz Automotive Training Facility; \$3,000,000 shall be expended for start-up training at the Boeing-Decatur facility; \$300,000 shall be

expended for job retraining and day care at Snead State Community College for displaced workers; \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program; \$650,000 shall be expended to fund the operations of the Michelin Training Center; \$500,000 shall be expended for Training for Business and Industry at Shelton State Community College; \$200,000 shall be expended for Woodworking Technology Training at Northwest-Shoals Community College-Phil Campbell Campus; \$300,000 shall be expended for the Minority Technology and Entrepreneurial Center at Bishop State Community College; \$300,000 shall be expended for training displaced jobs as the result of the related Military Base Closure in Calhoun County (no portion of this appropriation shall revert but shall remain available for expenditure until the base reuse project is declared completed); \$150,000 shall be allocated for Job Training for U.S. Gypsum at Northeast Alabama State Community College; \$50,000 shall be allocated for job training by Bevill State Community College; \$50,000 shall be allocated for woodworking training in association with Bevill State Community College; \$200,000 shall be expended

for the Alabama Southern Community College for Paper/Chemical Production Training; \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and for Good-year Tire Company to be conducted by Gadsden State Community College; and \$500,000 shall be expended by Jefferson State Community College for the International Standardization Organization (I.S.O.) Program and other workforce development programs. In addition to the above appropriations, there is hereby appropriated \$500,000 from the ETF for start-up training at the Boeing-Decatur facility to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

23. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program

9,585,760

SOURCE OF FUNDS:

(1) ETF 7,930,839

Of the above appropriation, a minimum of \$4,799,347 is to be distributed to the public libraries within the state; \$44,691 shall be expended for the Virtual Library Project; \$25,000 shall be expended for the public library in Athens; and \$15,000 shall be expended for the public library in Triana.

(2) Federal and Local Funds ... 1,654,921

Total Library Service, Alabama Public	7,930,839	1,654,921	9,585,760
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24. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program			4,093,381
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SOURCE OF FUNDS:

(1) ETF	2,788,351		
(2) Federal and Other Funds		1,305,030	

Total Marine Environmental Sciences Consortium	2,788,351	1,305,030	4,093,381
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25. MATHEMATICS AND SCIENCE, ALABAMA SCHOOL OF:

(a) Mathematics and Science Program			5,190,992
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SOURCE OF FUNDS:

(1) ETF	5,011,792		
(2) Federal and Other Funds		179,200	

Total Mathematics and Science, Alabama School of	5,011,792	179,200	5,190,992
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26. MEDICAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			1,143,721
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SOURCE OF FUNDS:

(1) ETF	468,721		
(2) Federal and Other Funds		675,000	

Total Medical Scholarship Awards, Board of	468,721	675,000	1,143,721
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To be expended under the provisions of Code of Alabama 1975, Sections 16-47-121 through 16-47-129.

27. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Mental Illness Program ..			9,170,638
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(b) Mental Retardation Program	5,741,768
(c) Substance Abuse Program ..	814,979

SOURCE OF FUNDS:

(1) ETF-Transfer.....	15,727,385	
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Total Mental Health and Mental Retardation, Department of.....	15,727,385	15,727,385
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Of the above appropriation, \$400,000 shall be expended for Alzheimer's Disease Education and Training.

28. MONTGOMERY INTERNAL MEDICINE RESIDENCY PROGRAM:

(a) Support of Other Educational Activities Program	214,000
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SOURCE OF FUNDS:

(1) ETF	214,000	
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Total Montgomery Internal Medicine Residency Program..	214,000	214,000
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The above appropriation to the Montgomery Internal Medicine Residency Program from the ETF shall be in addition to the funds received by said program from the University of Alabama in Birmingham (UAB), and the funds allocated to the Montgomery Internal Medicine Residency Program from UAB shall not be diminished from the amount allocated in fiscal year 1997-98.

29. MUSIC HALL OF FAME BOARD, ALABAMA:

(a) Support of Other Educational Activities Program	145,800
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SOURCE OF FUNDS:

(1) ETF	145,800	
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Total Music Hall of Fame Board, Alabama	145,800	145,800
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30. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		57,000
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SOURCE OF FUNDS:

(1) ETF-Transfer	57,000	
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As provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships.

Total Nursing, Alabama Board of	57,000	57,000
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31. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program		103,160
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SOURCE OF FUNDS:

(1) ETF	103,160	
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To be expended under the provisions of Code of Alabama 1975, Sections 34-22-60 through 34-22-65.

Total Optometric Scholarship Awards, Board of	103,160	103,160
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32. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program		398,808
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(b) Certified Law Enforcement Academy Program		2,062,900
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Of the above appropriation for the Certified Law Enforcement Academy Program,

\$612,900 of ETF monies included therein shall be expended as follows:

Northeast Police Academy	159,354
University of Alabama..	159,354
Southwest Police Academy	159,354
Alabama Police Academy	85,806
Montgomery Police Academy	49,032

SOURCE OF FUNDS:

(1) ETF	1,011,708		
(2) Alabama Peace Officers' Standards and Training Fund- as provided in Code of Ala- bama 1975, Sections 36-21-40 through 36-21-51		1,450,000	
Total Peace Officers' Stan- dards and Training Commis- sion, Alabama	1,011,708	1,450,000	2,461,708

33. POSTSECONDARY ED-
UCATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program	4,025,321
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SOURCE OF FUNDS:

(1) ETF	3,584,069		
(2) Federal and Local Funds...		441,252	
Total Postsecondary Edu- cation Department.....	3,584,069	441,252	4,025,321

The Chancellor of the Department of Postsecondary Education shall serve as the sole reporting entity to the Alabama Commission on Higher Education on behalf of the two-year colleges. Provided, however, that nothing in this section shall prohibit or hamper the full

intent and enforcement of
Section 16-5-7, Section
16-5-8, and Section 16-5-15
of the Code of Alabama 1975.

**34. SICKLE CELL OVER-
SIGHT AND REGULATORY
COMMISSION, ALABAMA:**

(a) Support of Other Educa- tional Activities Program	5,000
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SOURCE OF FUNDS:

(1) ETF	5,000	
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Total Sickle Cell Oversight and Regulatory Commis- sion, Alabama	5,000	5,000
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**35. SOIL AND WATER CON-
SERVATION COMMITTEE,
STATE:**

(a) Soil Conservation Pro- gram	21,250
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SOURCE OF FUNDS:

(1) ETF	21,250	
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Total Soil and Water Conser- vation Committee, State	21,250	21,250
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**36. SPORTS HALL OF FAME,
ALABAMA:**

(a) Scholarship Program.....	200,000
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SOURCE OF FUNDS:

(1) ETF	200,000	
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Total Sports Hall of Fame, Alabama	200,000	200,000
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**37. SUPERCOMPUTER
AUTHORITY, ALABAMA:**

(a) Administrative Support Services Program.....	5,991,416
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The above appropriation is to
be expended in accordance
with Sections 41-10-390
through 41-10-406, Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) ETF-Transfer.....	5,100,000
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(2) Supercomputer Revolving Fund, Estimated.....		891,416	
Total Supercomputer Authority, Alabama.....	5,100,000	891,416	5,991,416

In addition to the above appropriation to the Alabama Supercomputer Authority, there is hereby appropriated \$1,038,405 to be conditioned upon the availability of funds in the ETF, recommendation of the Director of Finance, and the approval of the Governor.

38. TENURE COMMISSION, STATE:

(a) Regulation Program	20,000
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SOURCE OF FUNDS:

(1) ETF	20,000	
Total Tenure Commission, State	20,000	20,000

39. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans Affairs Program	2,734,248
(b) Student Financial Aid Program, Estimated	5,216,514

For reimbursement to every state institution of higher learning, college, university, community college, junior college or technical college in which benefits are given to veterans, their spouses, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17.

SOURCE OF FUNDS:

(1) ETF	2,734,248	
(2) ETF-Estimated.....	5,216,514	
Total Veterans' Affairs, Department of	7,950,762	7,950,762

40. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program	5,637,391
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The above appropriation for Financial Assistance Program includes \$5,031,925 of ETF monies. The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of the Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

(b) Community Educational Programs	4,443,228
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Of the above appropriation, \$100,000 shall be allocated to COARMM and \$650,000 shall be allocated for the GROWTH program for juvenile female offenders in Mobile County. Of the above appropriation, there is hereby appropriated \$100,000 for a C.I.T.Y. program in Russellville. The remainder of the above appropriation shall be used for the support and maintenance of existing C.I.T.Y. programs, in Etowah, Jefferson, Madison, Mobile, Montgomery, Tuscaloosa, Chilton, Houston and Dallas Counties. It is the intent of the Legislature that local boards of education provide facilities and/or equivalent in-kind services for the operation of C.I.T.Y. programs

that accept students from their school systems. It is further the intent of the Legislature that the Director of the Department of Youth Services shall make every effort to initiate C.I.T.Y. programs in Decatur/Morgan County and in Russellville. In addition to the above appropriation, there is hereby appropriated \$100,000 to the C.I.T.Y. program in Lee County and \$350,000 for the C. I. T. Y. program in Decatur/Morgan County all to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

SOURCE OF FUNDS:

(1) ETF	9,475,153		
(2) Federal and Local Funds ...		605,466	
Total Youth Services, Department of	9,475,153	605,466	10,080,619

3C. COLLEGES AND UNIVERSITIES:

1. ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY, BOARD OF TRUSTEES:

(a) ACES-System Personnel Costs	924,528
(b) Operations and Maintenance and Program Support	42,409,281
(c) Title VI Program Enhancement	570,416

The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:

Consultants and Faculty.....	184,420
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Instructional Support ...	385,996	
(d) Desegregation Planning...		184,906
(e) Urban Affairs and New Non-Traditional Land Grant Programs		1,464,100
(f) Agricultural Research Sta- tion Fixed Costs		300,000

The above appropriations in Title VI Program Enhancement, Desegregation Planning, Urban Affairs and New Non-Traditional Land Grant Programs, Agricultural Research Station and Fixed Costs, and ACES-System Personnel Costs from the ETF are to be released and used as restricted by and in compliance with Knight v. Alabama, Civil Action CV 83-M-1676, 900 F Supp 272.

(g) Auxiliary Enterprises	6,500,000
(h) Restricted Funds	16,252,361

SOURCE OF FUNDS:

(1) ETF	27,722,870		
(2) Federal and Other Funds		40,882,722	
Total Alabama Agricultural and Mechanical University, Board of Trustees	27,722,870	40,882,722	68,605,592

Of the above appropriation for operations and maintenance, a total of \$250,000 shall be allocated to the Black Archives Museum.

2. ALABAMA A AND M UNIVERSITY, BOARD OF TRUSTEES-MILES COLLEGE CONSORTIUM:

(a) Alabama A and M University-Miles College Consortium	369,800
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SOURCE OF FUNDS:

(1) ETF	369,800	
Total Alabama A and M University, Board of Trustees-Miles College Consortium	369,800	369,800

3. ALABAMA STATE UNIVERSITY, BOARD OF TRUSTEES:

(a) Cooperative Efforts to Enhance Community Educational Institutions.....		400,000
(b) Operations and Maintenance and Program Support..		40,410,785
(c) Title VI Program Enhancement.....		1,657,477

The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:

Consultants and Faculty.....462,264

Instructional Support ..1,195,213

(d) Desegregation Planning... 184,906

The above appropriations in Title VI Program Enhancement and Desegregation Planning from the ETF are to be released and used as restricted by and in compliance with Knight v. Alabama, Civil Action CV 83-M-1676, 900 F Supp 272.

(e) Auxiliary Enterprises.....	9,145,532
(f) Restricted Funds	13,302,808

SOURCE OF FUNDS:

(1) ETF	27,100,453	
(2) Federal and Other Funds	38,001,055	
Total Alabama State University, Board of Trustees	27,100,453	38,001,055 65,101,508

4. ALABAMA, UNIVERSITY
OF, BOARD OF TRUST-
EES:

(a) Alabama Technology Net- work Program, Minority Tech- nology Networks	750,000
(b) Mobile Engineering Part- nership (Cooperative effort between University of Ala- bama at Tuscaloosa and Troy State University at Dothan) Program	58,000
(c) Gregory Fleming James Cys- tic Fibrosis Center, University of Alabama at Birmingham	250,000
(d) Public/Private Partner- ship for the Michael Figures Museum, University of Ala- bama	400,000
(e) Operations and Mainte- nance and Program Support for the University of Ala- bama at Tuscaloosa	171,246,194
(f) Operations and Mainte- nance and Program Support for the University of Ala- bama at Birmingham	850,408,020

Of the above appropriation to the University of Alabama at Birmingham \$400,000 shall be used to fund the Minority Business Training-Economic Development Program; \$200,000 shall be expended to fund the Southern Center for International Studies; and \$50,000 shall be expended at the Lister Hill Medical Library for the preservation of historic documents from decay as the result of sunlight or other environmental hazards. In

addition to the above appropriation there is hereby appropriated \$3,440,981 to the University of Alabama at Birmingham to be conditioned upon the availability of funds in the ETF and the approval of the Governor. It is the intent of the Legislature that the Nuclear Magnetic Resonance Studies Program be funded in FY 1998-99 at a level that is \$100,000 greater than the level of funding received in FY 1996-97.

(g) Operations and Maintenance and Program Support for the University of Alabama in Huntsville	60,216,868
(h) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham	4,298,696
(i) Alabama SchoolFest Program, University of Alabama	820,458
(j) Alabama Technology Network Program, University of Alabama	1,750,000
(k) School of Optometry Fund-Transfer to University of Alabama at Birmingham School of Optometry	50,000
(l) Auxiliary Enterprises	80,631,498
(m) Restricted Funds	257,727,707

SOURCE OF FUNDS:

(1) ETF	341,192,576		
(2) Federal and Other Funds ..	<u>1,087,414,865</u>		
Total Alabama, University of, Board of Trustees	<u>341,192,576</u>	<u>1,087,414,865</u>	<u>1,428,607,441</u>

5. AUBURN UNIVERSITY,
BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support..	306,691,865
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Of the above appropriation,
\$40,000 shall be allocated for
the AUM Community Outreach.

(b) Alabama Technology Network Program, Auburn University.....	1,750,000
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(c) Auxiliary Enterprises	55,146,435
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(d) Restricted Funds	71,965,587
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SOURCE OF FUNDS:

(1) ETF	185,116,140
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(2) Federal and Other Funds...	250,437,747
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Total Auburn University, Board of Trustees	185,116,140	250,437,747	435,553,887
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In addition to the above appropriation to Auburn University, there is hereby appropriated \$500,000 for the School of Veterinary Medicine and \$1,500,000 for the School of Pharmacy to implement an External Doctor of Pharmacy Program to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

6. EDUCATION, STATE
BOARD OF - ATHENS
STATE COLLEGE:

(a) Restricted Funds	1,540,810
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(b) Operations and Maintenance and Program Support..	13,159,250
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(c) Auxiliary Enterprises	639,772
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SOURCE OF FUNDS:

(1) ETF	7,885,731
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(2) Federal and Other Funds ..	7,454,101
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Total Education, State Board of - Athens State College	7,885,731	7,454,101	15,339,832
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In addition to the above appropriation, there is hereby appropriated \$1 million to Athens State College from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor. This shall be a second priority conditional and must be released in full before any other conditional appropriations, except first priority, may be released from the ETF.

7. JACKSONVILLE STATE UNIVERSITY, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support	44,886,771
(b) Auxiliary Enterprises.....	3,447,715
(c) Restricted Funds.....	22,005,400

SOURCE OF FUNDS:

(1) ETF	25,992,413		
(2) Federal and Other Funds		44,347,473	
Total Jacksonville State University, Board of Trustees	25,992,413	44,347,473	70,339,886

8. MONTEVALLO, UNIVERSITY OF, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support..	23,286,853
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Of the above appropriation, \$75,000 shall be expended for the Speech Pathology and Audiology Demonstration Project at the George C. Wallace Speech and Hearing Center.

(b) Auxiliary Enterprises.....	4,872,175
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(c) Restricted Funds.....	2,161,006
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SOURCE OF FUNDS:

(1) ETF	13,775,048
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(2) Federal and Other Funds	16,544,986
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Total Montevallo, University of, Board of Trustees	13,775,048	16,544,986	30,320,034
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9. NORTH ALABAMA, UNIVERSITY OF, BOARD OF TRUSTEES:

(a) Operations and Maintenance and Program Support	34,598,874
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(b) Auxiliary Enterprises.....	3,453,173
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(c) Restricted Funds.....	1,305,700
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SOURCE OF FUNDS:

(1) ETF	19,311,687
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(2) Federal and Other Funds	20,046,060
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Total North Alabama, University of, Board of Trustees	19,311,687	20,046,060	39,357,747
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10. SOUTH ALABAMA, UNIVERSITY OF, BOARD OF TRUSTEES:

(a) University of South Alabama/Helen Keller Research Foundation Consortium	150,000
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In addition to the above appropriation to the Helen Keller Research Foundation there is hereby appropriated \$150,000 from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

(b) Operations and Maintenance Support Program	322,907,738
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(c) Auxiliary Enterprises.....	12,640,193
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(d) Restricted Funds	23,500,000
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SOURCE OF FUNDS:

(1) ETF	73,244,600
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(2) Federal and Other Funds	285,953,331		
Total South Alabama, University of, Board of Trustees.....	73,244,600	285,953,331	359,197,931
Of the above appropriation to the University of South Alabama, \$250,000 shall be allocated for a stroke center.			
11. TROY STATE UNIVERSITY, BOARD OF TRUSTEES:			
(a) Operations and Maintenance and Program Support for Troy State University Dothan.....			11,002,698
(b) Operations and Maintenance and Program Support for Troy State University Montgomery.....			11,542,914
(c) Consortium between Troy State University Dothan and George C. Wallace State Community College (Dothan) for electronic record transfers.....			80,000
(d) Operations and Maintenance and Program Support for Troy State University.....			64,112,244
Of the above appropriation, \$50,000 shall be expended for repairs and renovations of the in-service center.			
(e) Auxiliary Enterprises.....			10,098,050
(f) Restricted Funds.....			8,147,715
SOURCE OF FUNDS:			
(1) ETF.....	31,763,863		
(2) Federal and Other Funds		73,219,758	
Total Troy State University, Board of Trustees.....	31,763,863	73,219,758	104,983,621
12. WEST ALABAMA, UNIVERSITY OF, BOARD OF TRUSTEES:			
(a) Operations and Maintenance and Program Support..			13,716,549

(b) Auxiliary Enterprises.....	2,894,897
(c) Restricted Funds.....	417,931

SOURCE OF FUNDS:

(1) ETF	8,459,976		
(2) Federal and Other Funds		8,569,401	
Total West Alabama, University of, Board of Trustees	8,459,976	8,569,401	17,029,377

3D. OTHER:

1. DEAF AND BLIND, ALABAMA INSTITUTE FOR, BOARD OF TRUSTEES:

(a) Adult Programs	11,125,898
(b) Children and Youth Programs.....	22,522,002
(c) Industries for the Blind....	19,730,096

SOURCE OF FUNDS:

(1) ETF	29,816,169		
(2) Federal and Other Funds		23,561,827	
Total Deaf and Blind, Alabama Institute for, Board of Trustees	29,816,169	23,561,827	53,377,996

In addition to the above appropriation, there is hereby appropriated \$1,000,000 from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor. This conditional shall be a joint first priority conditional with the Telephone Revolving Fund and the State Board of Education for Beville State Community College. These first priority conditionals shall be released in full before any other conditional appropriation from the ETF may be released.

2. KNIGHT V. ALABAMA -
FINANCIAL OBLIGATIONS:

(a) Operations and Maintenance and Program Support, Estimated	4,990,953
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SOURCE OF FUNDS:

(1) ETF	4,990,953	
Total Knight v. Alabama - Financial Obligations	4,990,953	4,990,953

To be allocated and expended in accordance with the 1995 Remedial Decree in Knight vs. Alabama, Civil Action CV 83-M-1676, 900F Supp 272. The above appropriation includes the second of three payments for \$890,952.50 ordered to be paid by the State to Alabama A and M University for the purchase of equipment and furniture needed to initiate and operate the electrical and mechanical engineering programs.

3. TEACHER IN-SERVICE
CENTERS - STATE UNI-
VERSITY DISTRIBUTION:

(a) In-Service Center Program.....	2,821,437
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The above appropriation to the In-Service Center Program shall be distributed to the existing eleven Teacher In-Service Centers in each geographical area of the state as follows:

University of Alabama	195,355
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University of Alabama at Birmingham	348,735
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Alabama A and M University	299,495
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Alabama State	
University	230,974
Athens State	
College	215,963
Auburn University	234,590
Jacksonville State	
University	226,232
University of	
Montevallo	247,029
Troy State	
University	249,289
University of	
North Alabama	189,178
University of	
South Alabama	384,597

SOURCE OF FUNDS:

(1) ETF	2,821,437	
<hr/>		
Total Teacher In-Service		
Centers - State University		
Distribution	2,821,437	2,821,437

Section 4. It is the intent of the Legislature that the colleges and universities listed below shall utilize (1) the savings realized from the reduction in the Teachers' Retirement System employer rate; and (2) the respective increases in the state appropriations, for cost-of-living increases/pay raises for their personnel. This section shall apply to the following colleges and universities: (1) Alabama A and M University; (2) Alabama State University; (3) University of Alabama System; (4) Auburn University System; (5) Jacksonville State University; (6) University of Montevallo; (7) University of North Alabama; (8) University of South Alabama; (9) Troy State University System; and (10) University of West Alabama.

Notwithstanding House Bill 237 as passed by the Legislature in the 1998 Regular Session, the requirement of this section shall not apply to the equity allowances provided to the following institutions in this act:

Troy State University Montgomery	1,330,497
Troy State University Dothan	616,262
Athens State College	223,915

Each college and university shall report before January 1, 1999 to the Chairman of the Senate Committee on Finance and

Taxation-Education; the Chairman of the House Committee on Ways and Means; and the Director of the Legislative Fiscal Office the amount and percentage of salary increases granted to each employee of the institution.

Section 5. In addition to all other appropriations herein made, there is hereby reappropriated the funds previously appropriated in Section 3 of Act No. 94-827 which shall be expended for any new school construction in the county.

Section 6. In addition to any other appropriations herein made, there is hereby appropriated from the Education Trust Fund to the following entities the following amounts for the fiscal year ending September 30, 1999 to be conditioned solely upon the availability of funds in the Education Trust Fund and the approval of the Governor.

Alabama A&M University	572,051
Auburn University System	3,782,865
University of Alabama	2,233,360
University of Alabama in Birmingham.....	3,884,797
University of Alabama at Huntsville	752,458
University of South Alabama	1,508,279
Alabama State University	558,258
Athens State College	257,686
Jacksonville State University.....	534,280
Troy State University.....	422,347
Troy State University Dothan	370,433
Troy State University Montgomery.....	685,638
University of Montevallo.....	282,695
University of North Alabama	398,489
University of West Alabama.....	174,568
Two-Year College System	4,081,793

Section 7. In addition to all other appropriations herein made, there is hereby appropriated the sum of five million dollars (\$5,000,000) to the Jefferson County Board of Education for repairs and construction at the Oak Grove High School. Said appropriation shall be conditioned upon the availability of funds in the ETF, the recommendation of the Finance Director and the approval of the Governor.

Section 8. The Legislature by its passage of Act 95-314 requires the phase out of hold harmless funds to be completed in

FY 1999 in scheduled increments over a four-year period. The State Department of Education shall exclude from the calculation of the hold harmless amount to be distributed from the Public School Fund the following: 2% of the amount of the FY 1997 4% pay raise, the entire amount of the FY 1999 8.5% pay raise, and the entire amount of the retirement savings realized from state funds within the Foundation Program by reducing the employer retirement contribution percentage. Any local board of education receiving hold harmless funds may use part or all of its capital outlay allowance for the additional costs of any salary increase mandated by the Legislature in FY 1997 and not covered by an adjustment to the hold harmless allowance.

Section 9. In addition to the appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in this act, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

Section 10. The State Superintendent of Education shall make requisitions to the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary education institutions. All other appropriations in this act shall be paid after proper requisitions are made to the State Comptroller in the manner now provided by law.

Section 11. Nothing in this act shall be construed to affect or repeal any law authorizing or permitting any college, school or

other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 12. The appropriations made herein to the department boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriations act for the fiscal year ending September 30, 1999. All agencies enumerated in this act that receive services from other governmental agencies enumerated in the general appropriations act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

Section 13. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ETF or earmarked fund from which the appropriation or appropriations were made.

Section 14. Upon certification to the Director of Finance by the State Attorney General that a federal court has ordered the State of Alabama to pay claims, attorney fees, or other costs relating to said court order, funds are hereby appropriated to the affected department, board, bureau, or commission in the amount necessary to satisfy that court order. Such appropriations are in addition to any other appropriation heretofore or hereafter made in this appropriation act. Such appropriations are conditioned upon the availability of funds and a determination by the Director of Finance that other current appropriations are not available for court-ordered payments.

Section 15. (a) Funds appropriated from the ETF or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education and Alabama Institute for Deaf and Blind) shall not be expended for the purchase or lease of automotive vehicles. A state agency or postsecondary institution of higher education funded from the ETF or earmarked state funds

in this act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act, except for funds appropriated to entities excluded in subsection (a) of this section, shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, department, or agency receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, department, or agency receiving funds under this act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

Section 16. All state-mandated and state-funded salary increases and fringe benefits for Child Nutrition Program workers shall be fully funded from the Foundation Program Fund in this act and shall therefor be subsequently fully-funded by all local school boards from funds provided in this act from Other Current Expense and not from funds generated by the Child Nutrition Program.

Section 17. No funds provided herein for the public schools shall be used for the payment of any salaries of personnel which are not under the direct control, employment, and supervision of local boards of education; provided, however, that this section shall not apply to the construction, renovation, or major repair of buildings or other capital improvements which are beyond the capacity of regular employees to perform.

Section 18. It is the intent of the Legislature that each agency receiving an appropriation in this appropriations act shall certify to the Department of Finance that it has a plan for its data

processing and other computerized systems to become Year 2000 compliant. As part of the annual plan of operation, each agency shall certify in writing that the Year 2000 compliance plan is or will be implemented in a timely manner. This plan shall encompass those programs which are critical and necessary to the essential delivery of services to citizens, local governments, the federal government and other state entities. Each Year 2000 compliance plan shall be based on standards for data storage and exchange as established by the Department of Finance.

Section 19. If any section, paragraph, sentence, clause, provision or portion of this act or all or any portion of the appropriations herein made is held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 20. All laws or parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this act are hereby expressly repealed.

Section 21. This act shall become effective on October 1, 1998.

Approved May 1, 1998

Time: 9:05 A.M.

Act No. 98-505

H. 11 – Rep. Haney

AN ACT

Amending Sections 28-3-1, 28-3-168, 28-6-1, and 28-7-2 of the Code of Alabama 1975, so as to alter the percentage of alcohol by volume in the definitions of table wine, fortified wine or vinous liquor, and native farm wine.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 28-3-1, 28-3-168, 28-6-1, and 28-7-2 of the Code of Alabama 1975, are amended to read as follows:

“§28-3-1.

“The following words or phrases, whenever they appear in this chapter, and in Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama, 1980, as amended, appearing as chapter 3A, Title 28, as amended, and the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as chapter

7, Title 28, as amended, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

“(1) **ALCOHOLIC BEVERAGES.** Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.

“(2) **ASSOCIATION.** A partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

“(3) **BEER, or MALT or BREWED BEVERAGES.** Any beer, lager beer, ale, porter, malt or brewed beverage or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume and not in excess of four percent alcohol by weight and five percent by volume, by whatever name the same may be called.

“(4) **BOARD.** The alcoholic beverage control board.

“(5) **CARTON.** The package or container or containers in which alcoholic beverages are originally packaged for shipment to market by the manufacturer or its designated representatives or the importer.

“(6) **CONTAINER.** The single bottle, can, keg, bag or other receptacle, not a carton, in which alcoholic beverages are originally packaged for the market by the manufacturer or importer and from which the alcoholic beverage is consumed by or dispensed to the public.

“(7) **CLUB.**

“a. **Class I.** A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which, belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

"b. Class II. A corporation or association organized or formed in good faith by authority of law and which must have at least 100 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

"(8) CORPORATION. A corporation or joint stock association organized under the laws of this state, the United States, or any other state, territory or foreign country, or dependency.

"(9) DRY COUNTY. Any county which by a majority of those voting voted in the negative in an election heretofore held under the applicable statutes at the time of said election or may hereafter vote in the negative in an election or special method referendum hereafter held in accordance with the provisions of chapter 2, Title 28, or held in accordance with the provisions of any act hereafter enacted permitting such election.

"(10) DRY MUNICIPALITY. Any municipality within a wet county which has, by its governing body or by a majority of those voting in a municipal election heretofore held in accordance with the provisions of section 28-2-22, or in a municipal option election heretofore or hereafter held in accordance with the provisions of Act 84-408, Acts of Alabama 1984, appearing as chapter 2A, Title 28, Code of Alabama 1975, as amended, or any act hereafter enacted permitting municipal option election, voted to exclude the sale of alcoholic beverages within the corporate limits of said municipality.

"(11) GENERAL WELFARE PURPOSES.

"a. The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

"b. Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said sections 38-2-5 and 38-4-1;

"c. Service to and on behalf of dependent, neglected or delinquent children; and

"d. Investigative and referral services to and on behalf of needy persons.

"(12) HEARING COMMISSION. A body appointed by the board to hear and decide all contested license applications and all

disciplinary charges against any licensee for violation of this title or the regulations of the board.

“(13) HOTEL. A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel, but shall not include a rooming house or boarding house.

“(14) IMPORTER. Any person, association or corporation engaged in importing alcoholic beverages, liquor, wine or beer, manufactured outside of the United States of America into this state or for sale or distribution in this state, or to the board or to a licensee of the board.

“(15) LIQUOR. Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, except beer and table wine.

“(16) LIQUOR STORE. A liquor store operated by the board, where alcoholic beverages other than beer are authorized to be sold in unopened containers.

“(17) MANUFACTURER. Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of alcoholic beverages, liquor, beer or wine in this state or for sale or distribution in this state or to the board or to a licensee of the board.

“(18) MINOR. Any person under 21 years of age, except a person 19 years of age or older prior to October 1, 1985, is not a minor; provided, however, in the event section 28-1-5, shall be repealed or otherwise shall be no longer in effect, thereafter the provisions of section 26-1-1, shall govern.

“(19) MUNICIPALITY. Any incorporated city or town of this state to include its police jurisdiction.

“(20) PERSON. Every natural person, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, such term as applied to “association” shall mean the partners or members thereof and as applied to “corporation” shall mean the officers thereof, except as to incorporated clubs the term “person” shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

“(21) **POPULATION.** The population according to the last preceding or any subsequent decennial census of the United States, except where a municipality is incorporated subsequent to the last census, in which event, its population until the next decennial census shall be the population of said municipality as determined by the judge of probate of said county as the official population on the date of its incorporation.

“(22) **RESTAURANT.** A reputable place licensed as a restaurant, operated by a responsible person of good reputation and habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises.

“(23) **MEAL.** A diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about.

“(24) **RETAILER.** Any person licensed by the board to engage in the retail sale of any alcoholic beverages to the consumer.

“(25) **SALE or SELL.** Any transfer of liquor, wine or beer for a consideration, and any gift in connection with, or as a part of, a transfer of property other than liquor, wine or beer for a consideration.

“(26) **SELLING PRICE.** The total marked-up price of spirituous or vinous liquors sold by the board, exclusive of taxes levied thereon.

“(27) **UNOPENED CONTAINER.** A container containing alcoholic beverages, which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

“(28) **WET COUNTY.** Any county which by a majority of those voting voted in the affirmative in an election heretofore held in accordance with the statutes applicable at the time of said election or may hereafter vote in the affirmative in an election or special method referendum held in accordance with the provisions of chapter 2, of Title 28, or other statutes applicable at the time of said election.

“(29) **WET MUNICIPALITY.** Any municipality in a dry county which by a majority of those voting voted in the affirmative in a municipal option election heretofore or hereafter held in accordance with the provisions of Act 84-408, Acts of Alabama 1984, appearing as chapter 2A, Title 28, as amended, or any act hereafter enacted permitting municipal option election, or any municipality which became wet by vote of the governing body or by the voters of the municipality heretofore or hereafter held under the

special method referendum provisions of section 28-2-22, or as hereafter provided, where the county has become dry subsequent to the elected wet status of the municipality.

“(30) WHOLESALER. Any person licensed by the board to engage in the sale and distribution of table wine and beer, or either of them, within this state, at wholesale only, to be sold by export or to retail licensees or other wholesale licensees or others within this state lawfully authorized to sell table wine and beer, or either of them, for the purpose of resale only.

“(31) WINE. All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors, and like products, including restored or unrestored pure condensed juice.

“(32) FORTIFIED WINE or VINOUS LIQUOR. Any wine containing more than 14.9 percent alcohol by volume but not more than 24 percent. Fortified wine is vinous liquor.

“(33) TABLE WINE. Any wine containing not more than 14.9 percent alcohol by volume. Table wine is not liquor, spirituous or vinous.

“(34) BRANDY. All beverages which are an alcoholic distillate from the fermented juice, mash, or wine of fruit, or from the residue thereof, produced in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to the beverage, as bottled at not less than 80 degree proof.

“§28-3-168.

“(a) For the purposes of this section, the following words and phrases shall have the following meanings:

“(1) MANUFACTURER. Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol, malt and brewed beverages or vinous beverages.

“(2) WINE WHOLESALER, DISTRIBUTOR or JOBBER. Any person, association or corporation licensed by the board to engage in the sale and distribution of table wine within counties in which this chapter applies, at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell wine.

"(3) WINE RETAILER. Persons, corporations or associations licensed by the board to engage in the retail sale of table wine to be consumed off the premises and who do not possess a state liquor license.

"(4) TABLE WINE. Any wine containing not more than 14.9 percent alcohol by volume.

"(b) In all counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, table wines may be sold at retail by any licensed wine retailer for off-premises consumption only. A wine wholesaler may sell to a wine retailer table wines that have been purchased from a licensed manufacturer.

"(c) In all counties having a population of not less than 500,000 according to the 1970 or any subsequent federal decennial census, table wines may be sold at retail by any licensed wine retailer for off-premises consumption only. A wine wholesaler may sell to a wine retailer table wines that have been purchased from a licensed manufacturer.

"(d) In all counties having a population of not less than 115,000 nor more than 130,000 according to the 1970 or any subsequent federal decennial census, table wines may be sold at retail by any licensed wine retailer for off-premises consumption only. A wine wholesaler may sell to a wine retailer table wines that have been purchased from a licensed manufacturer.

"§28-6-1.

"When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) NATIVE FARM WINERY. A winery where the annual production does not exceed 100,000 gallons, and 75 percent or more of the berries, fruit, produce or honey used in the manufacture of such wine is grown and produced in Alabama by the native farm winery permit holder upon land owned or leased by the permit holder in the vicinity of his farm winery.

"(2) NATIVE FARM WINE. Any product having an alcohol content not to exceed 14.9 percent by volume and made in accordance with the revenue laws of the United States, which is produced on a native farm winery.

"(3) PERSON. One or more natural persons, or a corporation, partnership or association.

"(4) BOARD. The Alabama alcoholic beverage control board.

“§28-7-2.

“The public interest lying in the promotion of temperance by and through the proper regulation of alcoholic beverages, through the instrumentality of the Alabama alcoholic beverage control board and otherwise, it is the intent of the legislature and declared to be the purpose and intent of this chapter to promote temperance and to further regulate the sale of alcoholic beverages in the state by distinguishing between fortified wine or vinous liquor having more than 14.9 percent alcohol by volume and table wine having not more than 14.9 percent alcohol by volume, which is hereby declared to be nonliquor and not vinous liquor, and specifically to authorize and regulate the sale and handling of table wine in Alabama by wine manufacturers, wholesalers and retailers licensed by the board.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1998

Time: 3:50 P.M.

Act No. 98-506

H. 194 – Reps. Graham, Clark (J),
Fuller, Venable,
Hamilton, Smith,
Carter, Flowers,
Turnham, Clouse,
Hooper, Hammett,
Hill, Rogers (M), Gipson,
Curry, Morton,
Thomas (D), Pringle,
Hall (A), Drake,
Millican, Wren,
Johnson (R), Carothers,
Laird, Dolbare, Vance,
Jackson, Hayden, Sims,
Dukes, Burke, Willis,
Crigler, Knight (A),
Payne, Allen and Baker

AN ACT

To implement the provisions of an amendment to the Constitution of Alabama of 1901, authorizing the state to become indebted and to sell and issue not in excess of \$5,700,000 in principal amount of general obligation bonds of the state for the purpose of providing and the equipping of a center for cotton, cotton products

technology, and for its use as a promotional facility in the field of textile and apparel technology, to authorize Alabama Agricultural Development Authority to sell and issue for the state said bonds and refunding bonds therefor contingent upon the ratification by the qualified electors of the state of said constitutional amendment authorizing such issue, to provide that the said authority shall specify the form and details of said bonds, provide for the issuance of said bonds in series, to provide for the sale of said bonds, to provide for the temporary investment of the proceeds of said bonds, to provide for the payment of the expenses of issuance of said bonds, to provide for the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to said amendment and this act and to provide for the use of proceeds derived therefrom, and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to implement that certain constitutional amendment authorizing the issuance by the state of five million seven hundred thousand dollars (\$5,700,000) principal amount of its general obligation bonds, which amendment was proposed by an act adopted at the 1998 Regular Session of the Legislature, the Alabama Agricultural Development Authority shall, in addition to all other powers that may be exercised by said authority, have the power to issue and sell for the state, subject to the approval of the Governor, interest bearing general obligation bonds of the state not in excess of five million seven hundred thousand dollars (\$5,700,000) in principal amount, as authorized by said amendment. Such bonds shall not be obligations of said authority but shall be general obligations of the State of Alabama with the full faith and credit and taxing power of the state to be pledged to the prompt and faithful payment of the principal thereof and the interest and redemption premium (if any) thereon. The proceeds from the sale of such bonds shall be used exclusively for the purposes described in the aforesaid constitutional amendment. Such bonds may be sold and issued in one or more series at any time and from time to time, may have such series designations, may be in such forms, principal amounts, denominations and numbers, may be of such tenor and maturities, may bear such date or dates, may be payable in such installments and at such time or times, may be payable at such place or places within or without the state, may bear interest at such rate or rates payable and evidenced in such manner, may contain provisions for redemption at the option of the state to be exercised by said authority on such date or dates prior to their respective maturities and upon payment of such redemption price or prices, and may contain such other provisions not inconsistent with the provisions of said amendment and this act, all as shall be provided by the board of directors of said authority in the resolution or resolutions pursuant to which such bonds shall be authorized, sold, and issued.

Section 2. The bonds of each series issued pursuant to this act may be issued as serial bonds payable in annual installments

or as term bonds or as a combination thereof, and the principal of the bonds of each such series shall mature or be subject to mandatory redemption according to such schedule as the board of directors of said authority shall determine in the resolution authorizing the issuance of such series. Such bonds may be made subject to redemption prior to their respective maturities, at the option of the state, on such terms and conditions as shall be provided by the board of directors of said authority in the resolution authorizing the issuance of such series. Any or all of such bonds subject to redemption at the option of the state may be called for redemption by the said authority pursuant to a resolution adopted by the board of directors thereof if pursuant to appropriations theretofore made by the Legislature, the moneys required for such redemption are at the time held in the State Treasury or if such redemption is to be effected with moneys provided by the sale and issuance of refunding bonds issued pursuant to the aforesaid amendment and as provided for in this act. The said authority may specify the terms and conditions under which any of the bonds authorized pursuant to the aforesaid amendment may be exchanged for like bonds of other denominations as the authority may prescribe.

Section 3. The bonds of each series thereof issued pursuant to this act shall be sold by said authority at public sale as provided in the aforesaid amendment. Said bonds shall be executed in the name of the state by the Governor and countersigned by the chairman of the said authority, and the Great Seal of the state shall be impressed thereon and attested by the Secretary of State. A facsimile of the signature of each such official may be imprinted on any of said bonds in lieu of being manually inscribed thereon, and a facsimile of the Great Seal of the state may be printed on said bonds in lieu of such seal being manually impressed thereon. Each such facsimile signature shall be valid in all respects as if the officials whose facsimile signatures are so used had signed said bonds in person, and any facsimile of the Great Seal of the state so used shall be valid in all respects as if such seal had been manually impressed on said bonds. In the event any official who shall sign any of said bonds or whose facsimile signature shall appear thereon shall thereafter cease to hold office before such bonds are delivered and paid for, such bonds shall nevertheless be valid for all purposes to the same extent as if the official who signed such or whose facsimile signature appears thereon had remained in office until all of the said bonds bearing such signature or facsimile thereof shall have been delivered and paid for.

Section 4. The proceeds derived from the sale of each series of the bonds issued pursuant to Section 1 of this act shall be paid into the State Treasury upon receipt thereof, and the State

Treasurer shall keep such proceeds, as well as all income received from the investment and reinvestment of such proceeds (including income derived from the investment and reinvestment of previously derived income), in a special fund in the State Treasury, designated "The Alabama Agricultural and Textile Technology Facilities Improvement Fund," pending the expenditure of such proceeds and income for the purposes hereinafter authorized and as required by said amendment. All proceeds so deposited in the State Treasury shall be continuously invested by the State Treasurer in investments of the same kind as those in which the State Treasurer is at the time legally authorized to invest moneys held in the General Fund of the state, and as and when income from the investment of such proceeds is received, such income shall be kept continuously invested in the same manner as such proceeds; provided, however, that notwithstanding any legal limitation that might otherwise be applicable, the State Treasurer shall have the authority to invest such proceeds and income in certificates of deposit of any savings and loan association, whether federally or state chartered, whose principal office is located in the state. The State Treasurer, acting on projections of expenditures provided by the Director of Finance, shall keep all such proceeds, together with the income derived from the investment and reinvestment thereof, invested in investments which shall mature or otherwise be subject to liquidation on such terms as will provide cash when required for the purposes for which bonds may be issued pursuant to Section 1 of this act.

Section 5. Upon order of the board of directors of said authority, all expenses incurred in connection with the authorization, preparation, sale, and issuance of bonds authorized herein and by the aforesaid amendment shall be paid out of the proceeds thereof. The proceeds thereof remaining after payment of such expenses, together with the income derived from the investment and reinvestment of such proceeds (including income derived from the investment and reinvestment of previously derived income) shall be disbursed from time to time on the order of said authority for payment of costs incurred in carrying out the purposes authorized in said amendment, as follows: The sum of five million seven hundred thousand dollars (\$5,700,000) shall be used for the purpose of providing and the equipping of a center for cotton, cotton products technology, and for its use as an educational, applied research, and promotional facility in the field of textile and apparel technology.

Disbursements for such purposes shall be made taking into account matching or other funds at the time available to pay a portion of the costs of facilities as aforesaid, and said authority is

authorized to provide for and coordinate the expenditure of such matching or other funds in providing said facilities through agreements to be entered into with such other agencies and institutions as shall be determined to be appropriate and convenient therefor. The costs of architectural and supervisory services, from whatever source provided, shall be deemed to constitute a capital cost or outlay for which bond proceeds and investment income are authorized to be expended by the provisions of this act. Any building or facility constructed, expanded, renovated, altered or otherwise improved wholly or in part with such proceeds shall be constructed or improved pursuant to plans and specifications approved by said authority and the technical staff of the Building Commission shall thereafter be operated by an agency to be determined by the Alabama Commissioner of Agriculture and Industries in consultation and cooperation with textile related business, trade associations, to include, but not be limited to, the Alabama Textile Manufacturers Association, Inc., under such arrangements as may be authorized by law.

Section 6. Pursuant to the provisions of the aforesaid amendment and this act, the said authority may, at any time and from time to time, issue for the state refunding bonds of the state for the purpose of refunding any or all of the bonds authorized by the aforesaid amendment then outstanding (including any refunding bonds that may have been previously issued), whether such refunding shall occur before, at or after the maturity of the bonds to be refunded. In the discretion of the said authority, refunding bonds may be issued in exchange for such outstanding bonds or they may be sold and the proceeds thereof applied to the purchase, redemption or payment of such outstanding bonds. Refunding bonds to be issued in exchange for such outstanding bonds shall not be issued in a principal amount greater than the principal amount of the bonds to be refunded. Refunding bonds to be sold pursuant hereto may be issued in such principal amount or amounts as shall be determined by said authority. Pending the application of the proceeds of refunding bonds issued in accordance with this section, such proceeds, together with investment income therefrom, and moneys in any sinking fund for the bonds to be refunded, together with investment income therefrom, may be held by the State Treasurer, in trust, or may be deposited by the State Treasurer, in trust, on such terms as the State Treasurer shall approve, with one or more trustees or escrow agents which trustees or escrow agents shall be trust companies or national or state banks having powers of a trust company within or without the state, for investment in direct general obligations of, or obligations the payment of the principal of and interest on which are unconditionally and irrevocably guaranteed by, the United States of America. The proceeds of such

refunding bonds, together with the investment income therefrom, and moneys in any sinking fund for the bonds to be refunded, together with investment income therefrom, shall be available for the payment of all or any part of the principal, interest, and redemption premium, if any, of the bonds to be refunded and of such refunding bonds, or any of them, as the said authority in its discretion shall prescribe. Proceeds of such refunding bonds shall be so invested and applied as to assure that the principal, interest, and redemption premium, if any, on the bonds to be refunded thereby shall be paid in full on their respective maturity, interest, or redemption payment dates. The State Treasurer may contract with respect to the safekeeping and application of proceeds derived from the sale and issuance of such refunding bonds and other funds included therewith and the income therefrom, including the right to appoint a trustee which may be any trust company or national or state bank having powers of a trust company within or without the state. As provided in the aforesaid amendment, refunding bonds issued pursuant to the provisions of this act shall not be obligations of Alabama Agricultural Development Authority but shall be general obligations of the State of Alabama, and the full faith and credit and taxing power of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of all refunding bonds and the interest and redemption premium (if any) thereon. Except as herein expressly provided otherwise, all provisions of this act regarding the terms and conditions of the bonds to be issued pursuant to Section 1 of this act, as well as the sale, issuance, and execution thereof and the security therefor, shall apply to all refunding bonds issued hereunder provided, however, that no refunding bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95 percent of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional

part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined.

Section 7. All bonds (including refunding bonds) issued pursuant hereto, and the income therefrom (including the interest income thereon) shall be free from all taxation by the state or any county, municipality, or other political subdivision or instrumentality of the state, excepting inheritance, estate, and gift taxes.

Section 8. If any provision of this act shall be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision hereof.

Section 9. This act shall become effective upon ratification by the qualified electors of the state as a part of the Constitution of Alabama of 1901, of the amendment thereto proposed by an act adopted at the 1998 Regular Session of the Legislature which authorizes the issuance of the general obligation bonds described herein.

Approved May 4, 1998

Time: 3:51 P.M.

Act No. 98-507

S. 358 – Senator Mitchell

AN ACT

To provide that neither law enforcement investigative reports nor the testimony of a law enforcement officer may be subject to a civil or administrative subpoena except under the order of a court of record.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Neither law enforcement investigative reports nor the testimony of a law enforcement officer may be subject to a civil or administrative subpoena except as provided in subsection (c) below.

(b) Law enforcement investigative reports and related investigative material are not public records. Law enforcement investigative reports, records, field notes, witness statements, and other investigative writings or recordings are privileged communications protected from disclosure.

(c) Under no circumstance may a party to a civil or administrative proceeding discover material which is not authorized discoverable by a defendant in a criminal matter. Noncriminal parties may upon proper motion and order from a court of record: Secure photographs,

documents and tangible evidence for examination and copying only by order of a court imposing such conditions and qualifications as may be necessary to protect a chain of custody of evidence; or protect the prosecutors', law enforcement officers', or investigators' work product; or to prevent the loss or destruction of documents, objects, or evidence. Such discovery order may be issued by a court of record upon proof by substantial evidence, that the moving party will suffer undue hardship and that the records, photographs or witnesses are unavailable from other reasonable sources.

(d) Discovery orders prior to the disposition of the criminal matter under investigation are not favored and should be granted only upon showing that the party seeking discovery has substantial need of the materials and is unable, without undue hardship, to obtain the substantial equivalent by other means.

(e) Nothing in this act shall preclude the disclosure of investigative reports, including the testimony of law enforcement officers, to a state administrative agency authorized by law to investigate or conduct administrative contested case hearings in any matter related to the suspension, revocation, or restriction of a professional license or registration for the protection of the public health and safety.

Section 2. For purposes of this statute, a criminal matter is disposed of in any of the following ways:

(1) When the prosecuting authority has presented the matter to a grand jury and a no bill or true bill has been returned.

(2) After a written statement by the chief law enforcement officer of the agency conducting the investigation that the matter under investigation is closed.

(3) When the entity or individual under investigation has been tried and final judgment entered.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 4, 1998

Time: 3:52 P.M.

Act No. 98-508 H. 449 – Reps. McDaniel, Clark (J), Sanderford, White, Morrow, McMillan, Johnson (R), Layson, Crigler, Hammett, Millican, Gipson, Ford, Collins, Fuller and Carothers

AN ACT

To amend Section 41-22-3 of the Code of Alabama 1975, which provides for definitions under the Alabama Administrative Procedure Act, to exempt from the definition of rule standards, specifications, codes, plans, manuals, and publications relating to the design, construction, repair, and maintenance of highways, roads, and bridges under the jurisdiction of the Department of Transportation; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-22-3 of the Code of Alabama 1975, is amended to read as follows:

“§41-22-3.

“The following words and phrases when used in this chapter shall, for the purpose of this chapter, have meanings respectively ascribed to them in this section, except when the context otherwise requires:

“(1) **AGENCY.** Every board, bureau, commission, department, officer, or other administrative office or unit of the state, including the Alabama department of environmental management, other than the legislature and its agencies, the Alabama state docks, the courts, the Alabama public service commission, or the state banking department, whose administrative procedures are governed by sections 5-2A-8 and 5-2A-9. The term shall not include boards of trustees of postsecondary institutions, counties, municipalities, or any agencies of local governmental units, unless they are expressly made subject to this act by general or special law.

“(2) **COMMITTEE.** The joint committee on administrative regulation review shall be the members of the legislative council.

“(3) **CONTESTED CASE.** A proceeding, including but not restricted to ratemaking, price fixing, and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing. The term shall not include intra-agency personnel actions; shall not include those hearings or proceedings in which the Alabama board of pardons and paroles considers the granting or denial of pardons, paroles or restoration of civil and political rights or remission of fines and forfeitures; and which are exempt from sections 41-22-12 through 41-22-21, relating to contested cases.

“(4) **LICENSE.** The whole or part of any agency franchise, permit, certificate, approval, registration, charter, or similar form of permission required by law, but not a license required solely for revenue purposes when issuance of the license is merely a ministerial act.

“(5) **LICENSING.** The agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license or imposition of terms for the exercise of a license.

“(6) **PARTY.** Each person or agency named or admitted as a party or properly seeking and entitled as a matter of right, whether established by constitution, statute, or agency regulation or otherwise, to be admitted as a party, or admitted as an intervenor under section 41-22-14. An agency may by rule authorize limited forms of participation in agency proceedings for persons who are not eligible to become parties.

“(7) **PERSON.** Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

“(8) **QUORUM.** No less than a majority of the members of a multimember agency shall constitute a quorum authorized to act in the name of the agency, unless provided otherwise by statute.

“(9) **RULE.** Each agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule or by federal statute or by federal rule or regulation; provided, however, all forms shall be filed with the secretary of the agency and with the legislative reference service and all forms, except intergovernmental, interagency, and intra-agency forms which do not affect the rights of the public and emergency forms adopted pursuant to section 41-22-5, shall be published in the Agency Administrative Code. The term includes the amendment or repeal of all existing rules, but does not include any of the following:

“a. Statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public.

“b. Declaratory rulings issued pursuant to section 41-22-11.

“c. Intergovernmental, interagency, and intra-agency memoranda, directives, manuals, or other communications which do not substantially affect the legal rights of, or procedures available to, the public or any segment thereof.

“d. Determinations, decisions, orders, statements of policy, and interpretations that are made in contested cases.

“e. An order which is directed to a specifically named person or to a group of specifically named persons which does not constitute a general class, and the order is served on the person or persons to whom it is directed by the appropriate means applicable thereto. The fact that the named person who is being regulated serves a group of unnamed persons who will be affected does not make the order a rule.

“f. An order which applies to a specifically described tract of real estate

“g Any rules or actions relating to any of the following:

“1. The conduct of inmates of public institutions and prisoners on parole.

“2. The curriculum of public educational institutions or the admission, conduct, discipline, or graduation of students of the institutions; provided, however, that this exception shall not extend to rules or actions of the state department of education.

“3. Opinions issued by the attorney general of the state of Alabama.

“4. The conduct of commissioned officers, warrant officers, and enlisted persons in the military service.

“5. Advisory opinions issued by the Alabama ethics commission.

“6. Hunting and fishing seasons, or bag or creel limits promulgated by the commissioner of the department of conservation and natural resources.

“h. Standards, specifications, codes, plans, manuals, and publications used in the design, construction, repair, and maintenance of highways, roads, and bridges under the jurisdiction of the Department of Transportation.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. Notwithstanding the foregoing, this act shall not affect any legal action filed prior to the effective date of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 4, 1998

Time: 4:45 P.M.

Act No. 98-509

S. 465 – Senator Freeman

AN ACT

To make a supplemental appropriation from the General Fund in the State Treasury to the Judicial Inquiry Commission, in the amount of \$47,975 for the fiscal year ending September 30, 1998.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the General Fund in the State Treasury to the Judicial Inquiry Commission the sum of forty-seven thousand nine hundred seventy-five dollars (\$47,975) for the fiscal year ending September 30, 1998. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the Judicial Inquiry Commission.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1998

Time: 12:15 P.M.

Act No. 98-510

H. 237 – Reps. Fuller, Hawk, McDaniel, Guin, Carothers, Thomas (J), Morrow, Kennedy, Burke, Turnham, Flowers, Parker (T), Willis, Starkey, Page, Johnson (R), Dean, Knight (J), Curry, Morrison, Newton (D), Hooper, Venable, Buskey, Clark (W), Millican, Boyd, Hogan, Smith, Dukes, Galliher, Wren and Laird

AN ACT

To provide an eight and one-half percent (8.5%) cost-of-living adjustment for certain public education employees with the beginning of the 1998-99 fiscal year and to continue thereafter; to require a revision of the state salary matrix for certificated personnel and to require adjustments on local salary schedules to reflect the cost-of-living adjustment provided herein for the fiscal year 1998-99 and thereafter; to provide that all salary schedules at two-year colleges shall be upgraded to reflect an eight and one-half percent (8.5%) cost-of-living adjustment for fiscal year 1998-99; to add step 20 to all two-year postsecondary salary schedules; to provide for cost-of-living increases/pay raises for certain higher education personnel; to provide for an annual payment of \$1,500 to teachers in the public schools who pass the National Board for Professional Teaching Standards test; and to establish other miscellaneous pay provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Budget Officer shall allocate to the State Board of Education, the Boards of Trustees of the public universities, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Youth Services School District, the Board of Directors of the Alabama School of Fine Arts, and the Board of Trustees of the Alabama School of Mathematics and Science for disbursement to the employees thereof funds based on the criteria established in this act. It is not the intent of this act to make appropriations, but the appropriations required by this act shall be made in the annual budget act for the public schools and colleges.

(a) **Certificated Personnel (K-12).** For the fiscal year beginning October 1, 1998, and each year thereafter, each cell on the state salary matrix contained in the annual budget act for the public schools shall be increased by eight and one-half percent (8.5%) in addition to the amounts contained in the State Salary Matrix for the 1997-98 annual budget act for the public schools as required and provided by Sections 16-6B-8 and 16-13-231 of the Code of Alabama 1975, as amended. Each certificated employee, including Adult Basic Education and Science in Motion employees, shall be guaranteed a pay increase in the amount of eight and one-half percent (8.5%) and such pay increase shall be reflected in the appropriate local salary schedule and paid to each certificated employee. The provisions and requirements of this act shall be in addition to the provisions of Section 16-13-231.1, Code of Alabama 1975, relating to the State Salary Matrix. Each certificated employee shall be properly placed on the state salary matrix according to degree earned and years of public education service (either in-state or out-of-state). The employee shall be paid according to degree earned and length of public education experience. The pay increases shall be given to each person employed for the 1998-99 fiscal year in addition to any step increase to which the employee is otherwise entitled. The local board of education shall transmit to the State Department of Education the appropriate notice of the earned advanced degree for each employee in a timely fashion; thereafter, the employee shall be paid for the advanced degree as soon as the degree is certified to the State Department of Education as being earned. Each teacher who successfully passes or has passed the test offered by the National Board for Professional Teaching Standards (NBPTS) shall be entitled to an additional \$1,500 per year and given to the teacher for each year thereafter. Payment for passing the NBPTS test shall be appropriated from the Education Trust Fund and shall be given to the qualified teacher in a lump sum payment during the month of October each year after the teacher passes the test. Those teachers who passed

the NBPTS exam in previous years shall also be entitled to the annual \$1,500 pay per year beginning October 1, 1998.

(b) Education Support Personnel (K-12). An eight and one-half percent (8.5%) salary increase shall be paid to each public education support worker and adult bus driver employed for the 1998-99 fiscal year in addition to the salary received during the 1997-98 fiscal year, except employees covered under the state's merit system at the Department of Youth Services District. Each governing board of authority shall establish and maintain a salary schedule for each class and type of employee and each step of each salary schedule shall be increased to reflect an eight and one-half percent (8.5%) pay increase which shall be given to the person employed for the 1998-99 fiscal year and each year employed thereafter. No state-provided fringe benefits for any lunchroom worker shall be paid from lunchroom sales or from any other aspect of the Child Nutrition Program. Salary increases provided herein and state-provided fringe benefits are funded from the annual budget act for the public schools and shall not be taken from the Child Nutrition Program.

(c) AIDB. An eight and one-half percent (8.5%) salary increase shall be given to each person employed by the Alabama Institute for Deaf and Blind for the 1998-99 fiscal year in addition to the salary received during the 1997-98 fiscal year. The board shall establish and maintain a salary schedule for each class and type of employee and each step of each salary schedule shall be increased to reflect an eight and one-half percent (8.5%) pay increase which shall be given to each person employed for the 1998-99 fiscal year and each year employed thereafter.

(d) Two-Year Postsecondary Institutions. The State Board of Education shall revise all salary schedules of the two-year postsecondary institutions to reflect an increase of eight and one-half percent (8.5%) for 1998-99 fiscal year. The pay increases shall be given to each person employed in addition to any step increase to which the employee is otherwise entitled. The State Board of Education shall add a new step to all salary schedules. The new step shall be "Step 20." The number of increments between Steps 15 and 20 shall be the same as existed in fiscal year 1997-98 which separated Steps 10 and 15. In addition, employees who have reached the maximum salary on the C-3 salary schedule and who have 20 or more years of service shall be given a 6.5% increase in salary. The Postsecondary Education Department shall take proper steps to ensure that employees on all Salary Schedules are given full credit for prior work experience in the public schools and colleges, and shall take care to ensure proper placements on the Salary Schedules. Placement on the revised salary schedules shall be in accordance with the employee's length of service in public

education. No pay increase shall be given to any two-year postsecondary employee in excess of eight and one-half percent (8.5%), except as specifically provided in this act.

(e) **Public Universities.** It is the intent of the Legislature that the colleges and universities listed below shall utilize (1) the savings realized from the reduction in the Teachers' Retirement System employer rate and (2) the respective increases in the state appropriations, for cost-of-living increases/pay raises for their personnel. This subsection shall apply to the following colleges and universities: (1) Alabama A and M University; (2) Alabama State University; (3) University of Alabama System; (4) Auburn University System; (5) Jacksonville State University; (6) University of Montevallo; (7) University of North Alabama; (8) University of South Alabama; (9) Troy State University System; and (10) University of West Alabama.

Section 2. The following provisions are hereby established:

(a) **Fiscal Year.** All salaries and salary increases which are established by the legislature or authorized by the State Board of Education shall be paid in full to each person employed before the end of the applicable fiscal year as defined in Section 16-1-1 of the Code of Alabama 1975, as amended.

(b) **Extended Work.** Public school employees on contracts which extend beyond 180 days shall be given a pro rata salary increment for each day or partial day of work extending beyond 180 days.

(c) **Local Increment.** Any cost-of-living adjustment and/or increase on the state salary matrix for teachers as provided in this act shall be exclusive of any local pay increase granted or due to teachers under provisions of the local salary schedule. Any cost-of-living adjustment and/or pay increase required by this act for public school support personnel shall be in addition to any local pay increase granted or due to the employees under provisions of the local salary schedules.

(d) **Reduced Pay.** No employee shall be dismissed or have his or her work hours reduced or extended or have his or her salary reduced due to the provisions of any pay raise enacted by the legislature or required by the State Board of Education.

(e) **Community Education.** Each county and city board of education shall have the option to exclude from the provisions of this act any Community Education or school-sponsored child care or child enrichment program which is supplemental to the state-required educational program.

(f) **State Salary Matrix Renamed.** Notwithstanding Acts 95-313 and 95-314, now appearing as Chapters 6B and 13 of Title 16 of the Code of Alabama of 1975, and notwithstanding Act 97-238, the "State

Salary Matrix” is hereby renamed the “State Minimum Salary Schedule.” This provision shall take effect on October 1, 1998.

(g) Local Chief Executive Officers. The pay raise provisions of this act shall not apply to superintendents of education or the chief executive officers of any school system. Any pay increase given to the superintendent shall be by recorded vote of the governing board of authority.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 5, 1998

Time: 12:16 P.M.

Act No. 98-511

H. 255 – Rep. Curry

AN ACT

To make an appropriation of \$50,000 from the State General Fund to the Autism Society of Alabama in Birmingham, Alabama for a program to promote acceptance, independence, productivity and opportunity for inclusion for persons with autism and autism spectrum disorders and their families and to foster the development of individualized, life long community-based support and services throughout Alabama, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$50,000 from the State General Fund to the Autism Society of Alabama in Birmingham, Alabama for a program to promote acceptance, independence, productivity and opportunity for inclusion for persons with autism and autism spectrum disorders and their families and to foster the development of individualized, life long community-based support and services throughout Alabama, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the

Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:17 P.M.

Act No. 98-512

H. 256 – Rep. Curry

AN ACT

To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound Program to provide services for aging and homebound persons in DeKalb, Jackson, Madison, Marshall, and Limestone counties, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$69,650 from the State General Fund to the Commission on Aging for the

Care Assurance System for the Aging and Homebound Program to provide services for aging and homebound persons in DeKalb, Jackson, Madison, Marshall, and Limestone counties, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:18 P.M.

Act No. 98-513

H. 261 – Rep. Rogers (J)

AN ACT

To make an appropriation of \$35,050 from the State General Fund to the Beacon House, Inc. in Jasper, Alabama for a program to provide counseling and training for children and adults and to provide a residential treatment facility for

children with exceptional needs for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$35,050 from the State General Fund to the Beacon House, Inc. in Jasper, Alabama for a program to provide counseling and training for children and adults and to provide a residential treatment facility for children with exceptional needs for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:19 P.M.

Act No. 98-514

H. 253 – Rep. Rogers (J)

AN ACT

To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center in Birmingham, Alabama for a program to provide detoxification and rehabilitation services for chemically addicted adults in Alabama and to increase public awareness of the dynamics of chemical dependency for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$61,853 from the State General Fund to the Elyton Recovery Center in Birmingham, Alabama for a program to provide detoxification and rehabilitation services for chemically addicted adults in Alabama and to increase public awareness of the dynamics of chemical dependency for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and

costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:20 P.M.

Act No. 98-515

H. 254 – Rep. Fuller

AN ACT

To make an appropriation of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. in Montgomery, Alabama for a program to promote improvement of the Coosa-Alabama River Basin through education and the promotion of the river system in all of its aspects, including navigation, economic development, recreation, water supply, power production, flood plain management, and environmental quality for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975: and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. in Montgomery, Alabama for a program to promote improvement of the Coosa-Alabama River Basin through education and the promotion of the river system in all of its aspects, including navigation, economic development, recreation, water supply, power production, flood plain management, and environmental quality for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1975, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted

to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:21 P.M.

Act No. 98-516

H. 259 – Reps. Knight (J) and Fuller

AN ACT

To make an appropriation of \$801,674 from the State General Fund to the Alabama Coalition Against Domestic Violence in Montgomery, Alabama for a program to strengthen the family unit and prevent family violence through public education and awareness and for a statewide network of shelters for victims of domestic violence and their children for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$801,674 from the State General Fund to the Alabama Coalition Against Domestic Violence in Montgomery, Alabama for a program to strengthen the family unit and prevent family violence through public education and awareness and for a statewide network of shelters for victims of domestic violence and their children for the fiscal year ending September 30, 1999. The above appropriation shall be allocated to the following shelters:

- a. Penelope House, Mobile;
- b. Montgomery Area Family Violence Program, Montgomery;
- c. East Alabama Task Force for Battered Women, Auburn;
- d. Family Violence Center, Birmingham;
- e. Spouse Abuse Network, Tuscaloosa;
- f. House of Ruth, Dothan;
- g. Hope Place, Huntsville;
- h. Daybreak, Jasper;
- i. Second Chance, Anniston;
- j. The Shelter, Gadsden;
- k. Safeplace, Florence;
- l. Safehouse of Shelby County, Pelham;
- m. Russell County Shelter for Battered Women, Phenix City;
- n. Harbor Haus, Cullman;
- o. Opportunity HOuse, Opp;
- p. SABRA Sanctuary, Selma;
- q. The Lighthouse, Robertsedale.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:22 P.M.

Act No. 98-517

H. 719 – Rep. Fuller

AN ACT

To make an appropriation of \$100,000 from the State General Fund to the Montgomery Minority Business Development Center in Montgomery, Alabama for a program to provide entrepreneurial information, training, technical assistance, and support to new and expanding minority businesses in Montgomery and surrounding areas, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$100,000 from the State General Fund to the Montgomery Minority Business Development Center in Montgomery, Alabama for a program to provide entrepreneurial information, training, technical assistance, and support to new and expanding minority businesses in Montgomery and surrounding areas, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:23 P.M.

Act No. 98-518

H. 242 – Rep. Carothers

AN ACT

To make an appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Association in Dothan, Alabama for a program to promote the effective development, utilization, and maintenance of the Apalachicola-Chattahoochee-Flint inland waterway and river system for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Association in Dothan, Alabama for a program to promote the effective

development, utilization, and maintenance of the Apalachicola-Chattahoochee-Flint inland waterway and river system for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:24 P.M.

Act No. 98-519

H. 243 – Rep. Parker (T)

AN ACT

To make an appropriation of \$100,000 from the State General Fund to the Alabama Travel Council in Montgomery, Alabama for a program to develop and promote the tourist and travel industry in Alabama for the fiscal year ending

September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$100,000 from the State General Fund to the Alabama Travel Council in Montgomery, Alabama for a program to develop and promote the tourist and travel industry in Alabama for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:25 P.M.

Act No. 98-520

H. 244 – Rep. Starkey

AN ACT

To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center, Inc. in Florence, Alabama for a program to assist new, small businesses become self-sustaining and to provide for the operation and maintenance of a small business incubator facility for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center, Inc. in Florence, Alabama for a program to assist new, small businesses become self-sustaining and to provide for the operation and maintenance of a small business incubator facility for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and

costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:26 P.M.

Act No. 98-521

H. 246 – Rep. Burke

AN ACT

To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program, Inc. in Birmingham, Alabama for a program to provide volunteer opportunities, aid and assistance to the elderly and certain children through Retired Senior Volunteer programs, Foster Grandparent programs, and Senior Companion programs throughout the state for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$291,593 from the State General Fund to the Retired Senior Volunteer Program, Inc. in Birmingham, Alabama for a program to provide volunteer opportunities, aid and assistance to the elderly and certain children through Retired Senior Volunteer programs, Foster Grandparent programs, and Senior Companion programs throughout the state for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq ; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:27 P.M.

Act No. 98-522

H. 251 – Rep. Kennedy

AN ACT

To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant, Inc. in Mobile, Alabama for a program to promote tourism and travel into the state of Alabama and to focus attention on Mobile for its emphasis on excellence among American youth for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$56,347 from the State General Fund to the America's Junior Miss Pageant, Inc. in Mobile, Alabama for a program to promote tourism and travel into the state of Alabama and to focus attention on Mobile for its emphasis on excellence among American youth for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:28 P.M.

Act No. 98-523

H. 252 – Rep. Kennedy

AN ACT

To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant, Inc. in Montgomery, Alabama for a program to provide outstanding high school girls with recognition and college scholarships for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant, Inc. in Montgomery, Alabama for a program to provide outstanding high school girls with recognition and college scholarships for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be

subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:29 P.M.

Act No. 98-524

H. 851 – Reps. Fuller and Moore

AN ACT

To make a supplemental appropriation from the State General Fund to the Choctawatchee, Pea and Yellow Rivers Watershed Management Authority, in the amount of \$100,000 for the fiscal year ending September 30, 1998.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the State General Fund in the State Treasury to the Choctawatchee, Pea and Yellow Rivers

Watershed Management Authority the sum of \$100,000 for the fiscal year ending September 30, 1998. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the Choctawatchee, Pea and Yellow Rivers Watershed Management Authority and shall be used for the engineering, studies, and plans in rebuilding the levee in Elba, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 5, 1998

Time: 12:30 P.M.

Act No. 98-525

H. 283 – Rep. Fuller

AN ACT

To make an appropriation of \$36,182,166 from the Education Trust Fund and an appropriation of \$737,723 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1999.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Department of Youth Services for the fiscal year ending September 30, 1999, the following amounts from the Education Trust Fund (ETF) and Federal and Local Funds:

	ETF	Federal and Local Funds	Totals
Youth Services, Department of:			
(a) Youth Services Program ..			36,919,889
SOURCE OF FUNDS:			
(1) ETF	36,182,166		
(2) Federal and Local Funds...		737,723	
Total Department of Youth Services	36,182,166	737,723	36,919,889

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to providing social and educational services plus facilities to youth referred to the program and providing for the education of such individuals including educating youth to turn away from a life of crime.

Section 3. The Department of Youth Services is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1998-99.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1998.

Approved May 5, 1998

Time: 12:31 P.M.

Act No. 98-526

H. 346 – Rep. Curry

AN ACT

To make an appropriation of \$62,500 from the Education Trust Fund to the Quest for Excellence in Gadsden, Alabama for a youth development program to provide tutorial, transportation, educational, and consulting services to schools and youth in the Etowah County area, for the fiscal year ending September 30, 1999; to make an appropriation of \$30,000 from the Education Trust Fund to the Bear Creek Development Center in northwest Alabama for a youth development program for seven northwest Alabama counties, for the fiscal year ending September 30, 1999; to provide that the appropriations are subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$62,500 from the Education Trust Fund to the Quest for Excellence in Gadsden, Alabama for a youth development program to provide tutorial, transportation, educational, and consulting services to schools and youth in the Etowah County area, for the fiscal year ending September 30, 1999.

Section 2. There is hereby appropriated the sum of \$30,000 from the Education Trust Fund to the Bear Creek Development Center in northwest Alabama for a youth development program for seven northwest Alabama counties, for the fiscal year ending September 30, 1999.

Section 3. The above appropriations are made for the support of public education in Alabama and for the support and maintenance of the above programs. The appropriations shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of

1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 4. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 6. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:32 P.M.

Act No. 98-527

H. 354 – Rep. Turnham

AN ACT

To make an appropriation of \$17,500 from the Education Trust Fund to The Achievement Center-Easter Seal in Opelika, Alabama for a program to provide vocational evaluations, educational and vocational training, and job placement for individuals with disabilities in six east Alabama counties, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$17,500 from the Education Trust Fund to The Achievement Center-Easter Seal in Opelika, Alabama for a program to provide vocational evaluations, educational and vocational training, and job placement for individuals with disabilities in six east Alabama counties, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a

client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:33 P.M.

Act No. 98-528

H. 356 – Reps. Kennedy, Curry and Fuller

AN ACT

To make an appropriation of \$99,863 from the Education Trust Fund to the Cedar Grove Preparatory Academy, Inc. in Prichard, Alabama for a program to provide educational services to students who have been indefinitely suspended by the Mobile County public schools or for some other reason are at-risk of not completing high school, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$99,863 from the Education Trust Fund to the Cedar Grove Preparatory Academy, Inc. in Prichard, Alabama for a program to provide educational services to students who have been indefinitely suspended by the Mobile County public schools or for some other reason are at-risk of not completing high school, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:34 P.M.

Act No. 98-529

H. 345 – Rep. Curry

AN ACT

To make an appropriation of \$33,757 from the Education Trust Fund to the Montgomery Institute for Neurological Development in Montgomery, Alabama for a program to screen children for learning disabilities and to provide services to learning disabled children and severely brain-injured children, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$33,757 from the Education Trust Fund to the Montgomery Institute for Neurological Development in Montgomery, Alabama for a program to screen children for learning disabilities and to provide services

to learning disabled children and severely brain-injured children, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:35 P.M.

Act No. 98-530

H. 353 – Reps. Curry, Hill, Knight (A),
Gaines, Smith and Carns

AN ACT

To make an appropriation of \$20,000 from the Education Trust Fund to the Alabama Historic Ironworks Commission for educational programs for children and adults at the Brierfield Learning Center in Bibb County and the Tannehill Learning Center in Tuscaloosa County, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$20,000 from the Education Trust Fund to the Alabama Historic Ironworks Commission for educational programs for children and adults at the Brierfield Learning Center in Bibb County and the Tannehill Learning Center in Tuscaloosa County, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance

stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:36 P.M.

Act No. 98-531

H. 257 – Rep. Knight (J)

AN ACT

To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth in Government in Montgomery, Alabama for the support and maintenance of a program to prepare selected young people for positions of moral and political leadership in the American democratic process, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth in Government in Montgomery, Alabama for the support and maintenance of a program to prepare selected young people for positions of moral and political leadership in the American democratic process, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:37 P.M.

Act No. 98-532

H. 504 – Rep. Johnson (R)

AN ACT

To appropriate funds to the Alabama Medicaid Agency from revenues generated by the supplemental privilege tax levied by Act 97-901, 1997 First Special Session, on certain nursing facilities for the fiscal year ending September 30, 1998; and to make a supplemental appropriation from the Unclaimed Property Reserve Fund to the Unclaimed Property Administrative Fund, in the amount of \$200,000 for the fiscal year ending September 30, 1998.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Alabama Medicaid Agency the amount of the privilege tax levied by Act 97-901, 1997 First Special Session, on certain nursing facilities for the fiscal year ending September 30, 1998.

Section 2. There is appropriated from the Unclaimed Property Reserve Fund in the State Treasury to the Unclaimed Property Administrative Fund the sum of \$200,000 for the fiscal year ending September 30, 1998. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the Unclaimed Property Administrative Fund and shall be used for the operation of the Unclaimed Property Division of the State Treasurer.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately after its passage and approval by the Governor, or its otherwise becoming law.

Approved May 5, 1998

Time: 12:38 P.M.

Act No. 98-533

H. 247 – Rep. Hogan

AN ACT

To make an appropriation of \$85,200 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1999, to require an operations plan and an audited financial statement prior to the release of any funds, and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1999, there is hereby appropriated to the Parkinson Association of Alabama from the State General Fund the sum of \$85,200. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1998-99, an operations plan for fiscal year 1998-99 and an audited financial statement for all operations

during fiscal year 1996-97 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1998-99 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1998-99 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. This Act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:39 P.M.

Act No. 98-534

H. 249 – Rep. Knight (J)

AN ACT

To make an appropriation of \$30,000 from the State General Fund to the Lighthouse Counseling Center, Inc. in Montgomery, Alabama for a program to provide individual, group, and family counseling; to provide that \$11,400 of said appropriation shall be allocated to the Council Against Rape; to train volunteer counselors; to provide public education and awareness about sexual assault and drug/alcohol abuse for prevention purposes; to provide home management assistance and training, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$30,000 from the State General Fund to the Lighthouse Counseling Center, Inc. in Montgomery, Alabama for a program to provide individual, group, and family counseling; to train volunteer counselors; to provide public education and awareness about sexual assault and drug/alcohol abuse for prevention purposes; and to provide home management assistance and training, for the fiscal year ending September 30, 1999. Of the above appropriation to the Lighthouse Counseling Center, the sum of \$11,400 shall be allocated to the Council Against Rape.

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be

subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:40 P.M.

Act No. 98-535

H. 993 – Reps. Curry and Morton

AN ACT

To make appropriations from state funds for tornado damage in Jefferson County, Alabama; to make a conditional appropriation from the Education Trust Fund in the State Treasury to the Jefferson County Board of Education-Oak Grove School, in the amount of \$2,000,000 for the fiscal year ending September 30, 1998; to make a supplemental appropriation from the Education Trust Fund in the State Treasury to the Birmingham City Board of Education-South Hampton Elementary School, in the amount of \$2,000,000 for the fiscal year ending September 30, 1998;

and to make an appropriation from the State General Fund to the Concord Fire District in the amount of \$740,000 for the fiscal year ending September 30, 1998.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conditionally appropriated from the Education Trust Fund in the State Treasury to the Jefferson County Board of Education for tornado damage at Oak Grove School the sum of \$2,000,000 for the fiscal year ending September 30, 1998. The appropriation is conditioned upon the Legislature's failure to enact Senate Bill 409 of the 1998 Regular Session into law.

Section 2. There is appropriated from the Education Trust Fund in the State Treasury to the Birmingham City Board of Education for the South Hampton Elementary School the sum of \$2,000,000 for the fiscal year ending September 30, 1998. The appropriation made in this section is conditioned upon the Legislature's failure to enact Senate Bill 409 of the 1998 Regular Session into law.

Section 3. There is appropriated from the State General Fund to the Concord Fire District in Jefferson County, Alabama for tornado damage, the sum of \$740,000 for the fiscal year ending September 30, 1998.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 5, 1998

Time: 12:41 P.M.

Act No. 98-536

H. 260 – Rep. Knight (J)

AN ACT

To make an appropriation of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. in Montgomery, Alabama for a program to promote the development of programs and services for abused and neglected adults and children, including prevention and treatment, and to provide training and networking capabilities to local organizations statewide which provide services to dysfunctional families for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$192,600 from the State General Fund to the Alabama Council on Child

Abuse, Inc. in Montgomery, Alabama for a program to promote the development of programs and services for abused and neglected adults and children, including prevention and treatment, and to provide training and networking capabilities to local organizations statewide which provide services to dysfunctional families for the fiscal year ending September 30, 1999. Of the above amount appropriated to the Alabama Council on Child Abuse, Inc., the following amounts are allocated to the following entities:

a. Lee-Scan of Lee County	10,000
b. The Wise Center of Dothan	10,000
c. Child Abuse Prevention Services of Tuscaloosa	10,000
d. Concern for Children of Anniston	10,000
e. F.A.C.E.S. of Enterprise	10,000

Section 2. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:42 P.M.

Act No. 98-537

H. 292 – Reps. Fuller, Morrison, Hawk,
McDaniel, Newton (C),
Carothers, Vance and
Turnham

AN ACT

To make an appropriation of \$2,750,000 from the State General Fund to the Children's Advocacy Program in Alabama for the support and operations of the Children's Advocacy Centers and the Alabama Network of Children's Advocacy Centers, Inc., for the fiscal year ending September 30, 1999; to make a conditional appropriation of \$2,100,000 from the State General Fund to the Children's Advocacy Program in Alabama for the support and operations of the Children's Advocacy Centers and the Alabama Network of Children's Advocacy Centers, Inc., for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$2,750,000 from the State General Fund to the Children's Advocacy Program in Alabama for the support and operations of the Children's Advocacy Centers and the Alabama Network of Children's Advocacy Centers, Inc., for the fiscal year ending September 30, 1999. The above appropriation shall be allocated as follows with one-half of each amount below to be used by each center for the support and maintenance of the said center and one-half of the amount to be used by each center for counseling and educational services:

a. Prescott House- Birmingham	150,000
b. National Children's Advocacy Center, Inc.-Huntsville	150,000
c. The Child Advocacy Center, Inc.-Mobile	150,000
d. Montgomery Child Protection and Advocacy Center, Inc.	150,000
e. Tuscaloosa Children's Center, Inc.	150,000
f. Bessemer Cut-Off Advocacy Center, Inc.	150,000

g. Blount County Children's Center, Inc.	150,000
h. Gadsden-Etowah County Children's Advocacy Center, Inc.	150,000
i. CARE House-Baldwin County	150,000
j. Calhoun-Cleburne Children's Center, Inc.	150,000
k. Northwest Alabama Children's Advocacy Center-Florence	150,000
l. Alabama Network of Children's Advocacy Centers, Inc.-Montgomery	250,000
m. DeKalb County Child Advocacy Center	150,000
n. St. Clair County Child Advocacy Center	150,000
o. Shelby County Advocacy Center, Inc.	150,000
p. Southeast Alabama Child Advocacy Center-Dothan	150,000
q. East Alabama Child Advocacy Center-Opelika	150,000
r. Children's Advocacy Center of Marshall County, Inc.	25,000
s. Children's Advocacy Center of Cullman, Inc.	25,000
t. Russell County Child Advocacy Center, Inc.	25,000
u. Butler County Children's Advocacy Center, Inc.	25,000

Section 2. There is hereby conditionally appropriated the sum of \$2,100,000 from the State General Fund to the Children's Advocacy Program in Alabama for the support and operations of the Children's Advocacy Centers and the Alabama Network of Children's Advocacy Centers, Inc., for the fiscal year ending September 30, 1999 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor. The above conditional appropriation shall be allocated as follows with one-half of each amount below to be used by each center for the support and maintenance of the said center and one-half of the amount to be used by each center for counseling and educational services:

a. Prescott House-Birmingham	100,000
b. National Children's Advocacy Center, Inc.-Huntsville	100,000
c. The Child Advocacy Center, Inc.-Mobile	100,000
d. Montgomery Child Protection and Advocacy Center, Inc.	100,000
e. Tuscaloosa Children's Center, Inc.	100,000

f. Bessemer Cut-Off Advocacy Center, Inc.	100,000
g. Blount County Children's Center, Inc.	100,000
h. Gadsden-Etowah County Children's Advocacy Center, Inc.	100,000
i. CARE House-Baldwin County	100,000
j. Calhoun-Cleburne Children's Center, Inc.	100,000
k. Northwest Alabama Children's Advocacy Center-Florence	100,000
l. Alabama Network of Children's Advocacy Centers, Inc.-Montgomery	100,000
m. DeKalb County Child Advocacy Center	100,000
n. St. Clair County Child Advocacy Center	100,000
o. Shelby County Advocacy Center, Inc.	100,000
p. Southeast Alabama Child Advocacy Center-Dothan	100,000
q. East Alabama Child Advocacy Center-Opelika	100,000
r. Children's Advocacy Center of Marshall County, Inc.	100,000
s. Children's Advocacy Center of Cullman, Inc.	100,000
t. Russell County Child Advocacy Center, Inc.	100,000
u. Butler County Children's Advocacy Center, Inc.	100,000

Section 3. The twenty centers receiving funds under this act have been certified by the Alabama Network of Children's Advocacy Centers, Inc. as having met, by January 31, 1997, all of the standards of a children's advocacy center under Alabama Act 92-558 and are full members in good standing with that organization.

Section 4. The above appropriation is made for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 5. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1997-98 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 6. This act shall become effective October 1, 1998

Approved May 5, 1998

Time: 12:43 P.M.

Act No. 98-538

H. 250 – Reps. Fuller and Curry

AN ACT

To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation Inc. for the fiscal year ending September 30, 1999, to require an operations plan and an audited financial statement prior to the release of any funds, and to require quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1999, there is hereby appropriated to the Alabama Kidney Foundation Inc. from the State General Fund the sum of Three Hundred twenty-five thousand dollars (\$325,000). In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1998-99, and operations plan for fiscal year 1998-99 and an audited financial statement for all operations during fiscal year 1996-97 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1998-99 funds following receipt of these reports.

Section 3. In addition, quarterly reports for fiscal year 1998-99 shall be made to the Director of Finance relating actual expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the Director of Finance stating the work accomplished and services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

Section 4. This Act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:44 P.M.

Act No. 98-539

H. 280 – Reps. Boyd and Fuller

AN ACT

To make an appropriation of \$436,747 from the Education Trust Fund to Talladega College in Talladega, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$436,747 from the Education Trust Fund to Talladega College in Talladega, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finances shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:45 P.M.

Act No. 98-540

H. 281 – Rep. Hawkins

AN ACT

To make an appropriation of \$462,240 from the Education Trust Fund to Marion Military Institute in Marion, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$462,240 from the Education Trust Fund to Marion Military Institute in Marion, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:46 P.M.

Act No. 98-541

H. 282 – Rep. Turnham

AN ACT

To make an appropriation of \$215,711 from the Education Trust Fund to Lyman Ward Military Academy in Camp Hill, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$215,711 from the Education Trust Fund to Lyman Ward Military Academy in Camp Hill, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of

the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:47 P.M.

Act No. 98-542

H. 279 – Rep. Fuller

AN ACT

To make an appropriation of \$4,150,790 from the Education Trust Fund to Tuskegee University in Tuskegee, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 1999; to make a conditional appropriation of \$500,000 to Tuskegee University; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$4,150,790 from the Education Trust Fund to Tuskegee University in Tuskegee, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$500,000 from the Education Trust Fund to Tuskegee University in Tuskegee, Alabama, for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30,

1999, to be conditioned upon the availability of funds in the Education Trust Fund and the approval of the Governor.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:48 P.M.

Act No. 98-543

H. 266 – Reps. Burke and Fuller

AN ACT

To make an appropriation from the Education Trust Fund in the State Treasury to the Department of Public Health for the support and maintenance of the Emergency Medical Services Programs and West Alabama poison control center, in the amount of \$4,764,831 for the fiscal year ending September 30, 1999; and to make a conditional appropriation from the Education Trust Fund in the State Treasury to the Department of Public Health in the amount of \$200,000 for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1999.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$4,564,831 is appropriated from the Education Trust Fund in the State Treasury to the Department of Public Health for the fiscal year ending September 30, 1999 to be used as follows:

- (1) For funding Birmingham Regional Medical Services System, \$375,100;
- (2) For funding East Alabama Emergency Medical Services, Inc., \$375,100;
- (3) For funding North Alabama Emergency Medical Services, Inc., \$375,100;
- (4) For funding Southeast Alabama Emergency Medical Services, Inc., \$375,100;
- (5) For funding Southwest Alabama Emergency Medical Services, Inc., \$375,100;
- (6) For funding West Alabama Emergency Medical Services, Inc., \$375,100;
- (7) For funding special scientific studies and data records for emergency medical services providers to evaluate effectiveness of educational programs at all levels, and regional equipment and training grant funds for emergency medical services, \$579,594;
- (8) For improvement in emergency medical services through services offered at the state level, \$225,722;

(9) For emergency medical services education, \$1,508,915 as provided in Section 3 herein.

Section 2. The amounts appropriated under subsections (1) through (6) of Section 1 shall be used to fund contracted services to permit operation and maintenance of the agencies named and for the purchase of instructional supplies and new instructional equipment by those agencies. The amount appropriated under subsection (7) of Section 1 that is not disbursed for the funding of special scientific studies and data records for emergency medical services providers to evaluate the effectiveness of educational programs at all levels shall be disbursed by contract with the regional agencies named for equipment and training grant funds and shall be placed in segregated accounts to be used exclusively for grants for reimbursement of the cost of equipment, tuition, and expenses for training by emergency medical services providers. Equipment and training grant funds shall be allocated to the agencies named based upon the following formula: 50 percent to be divided equally among the agencies named; 25 percent to be apportioned among the agencies based upon the number of square miles in the geographic area represented by each agency; and 25 percent to be apportioned among the agencies based upon the population of the area represented by each agency according to the latest federal census. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. The Alabama Emergency Medical Services Education Commission (hereinafter referred to as the Commission) shall direct the expenditure of the funds that are appropriated for such purpose by the Legislature by making grants to state community and junior colleges, state technical colleges, and other public institutions of higher learning for the purposes of providing emergency medical services education. For the fiscal year ending September 30, 1999, the Commission shall direct the expenditure of \$1,508,915 for the purposes of this section. To be eligible for a grant from the Commission, an institution shall be certified by the Alabama Department of Public Health as having an emergency medical services primary education program whose graduates are eligible to be examined for state licensure as emergency medical technicians at the EMT-Basic, EMT-Intermediate, or EMT- Paramedic level or a combination thereof and shall be subject to all conditions that in the view of the Commission are necessary to assure that grant funds are expended for emergency medical services education purposes. The Commission may require financial statements as a condition of grant acceptance. In addition to the above allocation to the Emergency Medical Services Education Commission, there is hereby appropriated \$200,000 from

the Education Trust Fund to the Department of Public Health for emergency medical services education for the fiscal year ending September 30, 1999, to be conditioned upon the availability of funds in the Education Trust Fund and the approval of the Governor.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The sum of \$200,000 is appropriated from the Education Trust Fund in the State Treasury to the Department of Public Health for the fiscal year ending September 30, 1999 to be used to fund the Alabama Poison Control Center.

Section 6. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 7. This act shall become effective on October 1, 1998, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1998

Time: 12:49 P.M.

Act No. 98-544

H. 287 – Rep. Fuller

AN ACT

To make an appropriation from the Education Trust Fund in the State Treasury to the Department of Public Health in the amount of \$11,926,144 for the fiscal year ending September 30, 1999, for educational purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$11,926,144 is appropriated from the Education Trust Fund in the State Treasury to the Department of Public Health for the fiscal year ending September 30, 1999, to be distributed as follows:

(a) Health Support Services Program \$6,992,539

The above appropriation shall be expended for the continuation of the programs in Public School Sanitation, licensure and certification, immunization activities at the county level, patient education and child health.

(b) Personal Health Services Program \$2,978,605

The above appropriation shall be expended for continuation of the programs for immunization of pre-school children and students, dental health, tuberculosis and nursing services.

(c) Rural Nurses Training Program \$1,020,000

Of the above appropriation \$650,000 shall be expended for the continuation of the Southern Union Community College Rural Nursing Program, \$150,000 shall be expended at Central Alabama Community College, \$120,000 shall be expended at the Alabama Southern Community College Rural Nurses Training Program, and \$100,000 shall be expended at the Wallace Community College in Selma Rural Nurses Training Program.

(d) Osteoporosis Education Program \$185,000

(e) HIV Education \$150,000

(f) Health Related Training Programs \$250,000

The above appropriation shall be expended for Health Related Training Programs at Shelton State Community College.

In addition to the above appropriation to the Health Related Training Programs, there is conditionally appropriated the sum of \$150,000 to the Shelton State Community College for Health Related Training Programs conditioned upon the availability of funds in the Education Trust Fund and approval of the Governor.

(g) Cooper Green Community Health Development Programs \$150,000

(h) Nurses Training Program \$200,000

The above appropriation shall be expended at Jefferson State Community College.

Section 2. The above appropriation is for educational purposes which shall include but not be limited to providing for public school food sanitation, mandated immunization of pre-school children and primary preventive health education.

Section 3. The provisions of this act are severable. If any section, paragraph, sentence, clause, provision, or portion of the act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made.

Section 4. This act shall become effective on October 1, 1998.

Approved May 5, 1998

Time: 12:50 P.M.

Act No. 98-545

H. 265 – Rep. Fuller

AN ACT

To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation in Birmingham, Alabama for the support and maintenance of a program to conduct eye research, education, and related services, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation in Birmingham, Alabama for the support and maintenance of a program to conduct eye research, education, and related services, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and

costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:51 P.M.

Act No. 98-546

H. 268 – Rep. Curry

AN ACT

To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama in Birmingham, Alabama for the support and maintenance of a program to educate the general public about epilepsy and its treatment and to provide medical, legal, insurance, and employment services to individuals afflicted with epilepsy, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama in Birmingham, Alabama for the support and maintenance of a program to educate the general public about epilepsy and its treatment and to provide medical, legal, insurance, and employment services to individuals afflicted with epilepsy, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:52 P.M.

Act No. 98-547

H. 264 – Rep. Fuller

AN ACT

To make an appropriation of \$250,000 from the Education Trust Fund to the Alabama Humanities Foundation in Birmingham, Alabama for a statewide program of grants to increase public humanities education within the state and provide residents opportunities to explore their heritage, history, and humanity through the humanities disciplines, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$250,000 from the Education Trust Fund to the Alabama Humanities Foundation in Birmingham, Alabama for a statewide program of

grants to increase public humanities education within the state and provide residents opportunities to explore their heritage, history, and humanity through the humanities disciplines, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:53 P.M.

Act No. 98-548

H. 258 – Reps. Kennedy and Knight (J)

AN ACT

To make an appropriation of \$1,477,112 from the Education Trust Fund to the Sickle Cell Education Program in Alabama and to make a conditional appropriation of \$134,000 from the Education Trust Fund to the University of Alabama at Birmingham Comprehensive Sickle Cell Center for the support and maintenance of programs providing information, education, and research on sickle cell disease and providing services to individuals with sickle cell disease, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$1,477,112 from the Education Trust Fund to the Sickle Cell Education Program in Alabama for the support and maintenance of programs providing information, education, and research on sickle cell disease and providing services to individuals with sickle cell disease, for the fiscal year ending September 30, 1999. The above appropriation shall be allocated as follows:

- (a) North Central Alabama
Sickle Cell Foundation, Inc.-
Birmingham, Alabama.....

\$270,420

To be expended for sickle cell
disease programs in 22
counties in north and cen-
tral Alabama. Programs
may include education, test-
ing, counseling, and patient
support services.

- (b) Sickle Cell Disease Associa-
tion of Gulf Coast, Alabama-
Mobile, Alabama.....

\$251,417

To be expended for sickle cell
disease programs in the nine
county Gulf Coast health
services region. Programs
may include education,
screening, genetic counsel-
ing, and supportive services.

- (c) Sickle Cell Foundation of
Greater Montgomery, Inc.-
Montgomery, Alabama.....

\$149,363

To be expended for sickle cell disease programs in Montgomery, Elmore, Lowndes, Autauga, and Butler counties. Programs may include community education, testing and genetic counseling, technical assistance, and patient assistance.

(d) Southeast Alabama Sickle Cell Association-Tuskegee, Alabama

\$174,565

To be expended for sickle cell disease programs in 15 counties in southeast Alabama. Programs may include education, screening and counseling, referral, and support services.

(e) Tri-County West Central Alabama Sickle Cell Anemia Association, Inc.-Selma, Alabama.....

\$111,335

To be expended for sickle cell disease programs in Dallas, Perry, and Wilcox counties. Programs may include education, testing, counseling, and patient support services.

(f) North Alabama Sickle Cell Foundation, Inc.-Huntsville, Alabama

\$163,317

To be expended for sickle cell disease programs in eight counties in north Alabama. Programs may include education, testing, counseling, and patient support services.

(g) West Alabama Sickle Cell Foundation, Inc.-Tuscaloosa, Alabama

\$64,500

To be expended for sickle cell disease programs in west

Alabama. Programs may include education, testing, counseling, medical referrals, and patient support services.

(h) Children's Hospital of Birmingham, Alabama \$48,632

To be expended for services to individuals with sickle cell disease. Services include testing, counseling, medical care, and research.

(i) Children's and Women's Hospital-Comprehensive Sickle Cell Center-Mobile, Alabama \$243,563

To be expended for services to individuals with sickle cell disease. Services include testing, counseling, medical care, and research.

Section 2. There is conditionally appropriated from the Education Trust Fund to the University of Alabama at Birmingham Comprehensive Sickle Cell Center the sum of \$134,000 for the fiscal year ending September 30, 1999. The appropriation made in this section is conditioned upon the availability of funds in the Education Trust Fund, the recommendation of the Director of Finance, and the approval of the Governor.

Section 3. The above appropriations are made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 4. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 6. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:54 P.M.

Act No. 98-549

H. 336 – Rep. Fuller

AN ACT

To make an appropriation of \$150,000 from the Education Trust Fund to the Alabama Sports Festival in Montgomery, Alabama for the support and maintenance of a program providing academic scholarships and promoting Olympic-style competition for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$150,000 from the Education Trust Fund to the Alabama Sports Festival in Montgomery, Alabama for the support and maintenance of a program providing academic scholarships and promoting Olympic-style competition for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of

The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:55 P.M.

Act No. 98-550

H. 273 – Reps. Fuller, Hawkins, Curry,
Rogers (J) and Morton

AN ACT

To make an appropriation of \$950,000 from the Education Trust Fund to Children's Hospital in Birmingham, Alabama for the support and maintenance of a program for health care and education in a specialized hospital and for training of pediatric physicians, for the fiscal year ending September 30, 1999; to provide that

the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$950,000 from the Education Trust Fund to Children's Hospital in Birmingham, Alabama for the support and maintenance of a program for health care and education in a specialized hospital and for training of pediatric physicians, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:56 P.M.

Act No. 98-551

H. 269 – Rep. Turnham

AN ACT

To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center in Anniston, Alabama for the support and maintenance for a program of child care, educational, health, and nutritional services for pre-school children in 14 east central Alabama counties, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center in Anniston, Alabama for the support and maintenance for a program of child care, educational, health, and nutritional services for pre-school children in 14 east central Alabama counties, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and

costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:57 P.M.

Act No. 98-552

H. 352 – Rep. Curry

AN ACT

To make an appropriation of \$46,438 from the Education Trust Fund to the Berman Museum in Calhoun County, Alabama for educational programs for the fiscal year ending September 30, 1999; to make an appropriation of \$25,000 from the Education Trust Fund to the John W. Inzer House Museum in St. Clair County, Alabama for educational programs for the fiscal year ending September 1999; to provide that the appropriations are subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$46,438 from the Education Trust Fund to the Berman Museum in Calhoun County, Alabama for educational programs for the fiscal year ending September 30, 1999.

Section 2. There is hereby appropriated the sum of \$25,000 from the Education Trust Fund to the John W. Inzer House Museum in St. Clair County, Alabama for educational programs for the fiscal year ending September 1999.

Section 3. The above appropriations are made for the support of public education in Alabama and for the support and maintenance of the above programs. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 4. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 6. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 12:58 P.M.

Act No. 98-553

H. 351 – Rep. Curry

AN ACT

To make an appropriation of \$46,438 from the Education Trust Fund to the Anniston Museum of Natural History in Calhoun County, Alabama for educational programs for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$46,438 from the Education Trust Fund to the Anniston Museum of Natural History in Calhoun County, Alabama for educational programs for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:00 P.M.

Act No. 98-554

H. 274 – Rep. Curry

AN ACT

To make an appropriation of \$1,230,061 from the Education Trust Fund for the support and maintenance of cerebral palsy education program for the fiscal year ending September 30, 1999, and requires an operations plan and an audited financial statement prior to release of any funds, and requires quarterly and end of year performance reports.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1999, the sum of \$1,230,061 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program to be allocated as follows:

(a) United Cerebral Palsy of Alabama, Inc.....	500,000
(b) United Cerebral Palsy Development Center for East Central Alabama.....	156,763
(c) Simpson-May Cerebral Palsy Center	255,668
(d) Cerebral Palsy Housing Foundation.....	50,000
(e) United Cerebral Palsy of West Alabama, Inc	42,723
(f) United Cerebral Palsy of Alabama, Inc. for Etowah County	50,000
(g) United Cerebral Palsy of Northwest Alabama	30,541
(h) United Cerebral Palsy of Mobile, Inc.	97,724
(i) United Cerebral Palsy of Huntsville and Tennessee Valley, Inc.	46,642

In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of

the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq., and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:01 P.M.

Act No. 98-555

H. 349 – Rep. Curry

AN ACT

To make an appropriation of \$35,000 from the Education Trust Fund to the Children's Village, Inc. in Jefferson County, Alabama for a program to provide the basic needs, counseling, social services, education, family worship, and recreation for

children who are victims of broken relationships and to establish an environment that is conducive to the building and strengthening of relationships, for the fiscal year ending September 30, 1999; to make an appropriation of \$25,000 from the Education Trust Fund to the Autauga County Family Support Center in Autauga County, Alabama for a program to provide basic needs, counseling, social services, education, and other basic family support services for the fiscal year ending September 30, 1999; to make an appropriation of \$50,000 from the Education Trust Fund to the Cloverdale Center for Family Strengths in Montgomery, Alabama for the support and maintenance of a program to educate family professionals, counselors, ministers, and college students about the secrets of strong families, to conduct research projects to determine what is right with families, and provide pre-marital counseling for couples, for the fiscal year ending September 30, 1999; to provide that the appropriations are subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$35,000 from the Education Trust Fund to the Children's Village, Inc. in Jefferson County, Alabama for a program to provide the basic needs, counseling, social services, education, family worship, and recreation for children who are victims of broken relationships and to establish an environment that is conducive to the building and strengthening of relationships, for the fiscal year ending September 30, 1999.

Section 2. There is hereby appropriated the sum of \$25,000 from the Education Trust Fund to the Autauga County Family Support Center in Autauga County, Alabama for a program to provide basic needs, counseling, social services, education, and other basic family support services for the fiscal year ending September 30, 1999.

Section 3. There is hereby appropriated the sum of \$50,000 from the Education Trust Fund to the Cloverdale Center for Family Strengths in Montgomery, Alabama for the support and maintenance of a program to educate family professionals, counselors, ministers, and college students about the secrets of strong families, to conduct research projects to determine what is right with families, and provide pre-marital counseling for couples, for the fiscal year ending September 30, 1999.

Section 4. The above appropriations are made for the support of public education in Alabama and for the support and maintenance of the above programs. The appropriations shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 5.

(a) Prior to the release of any funds appropriated in this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 6. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 7. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:02 P.M.

Act No. 98-556

H. 263 – Rep. Knight (J)

AN ACT

To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education in Montgomery, Alabama for the support and maintenance of a program to provide tutorial assistance, career exploration, and positive role models for public school students who are failing in two or more subjects, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$129,081 from the Education Trust Fund to the Alabama League for the

Advancement of Education in Montgomery, Alabama for the support and maintenance of a program to provide tutorial assistance, career exploration, and positive role models for public school students who are failing in two or more subjects, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:03 P.M.

Act No. 98-557

H. 726 – Reps. Carothers and Johnson (R)

AN ACT

To create a separate fund in the state treasury, the “Alabama Bureau of Investigation Cost of Evidence Fund”; to designate purposes for which receipts to the fund may be expended; to make an appropriation in the amount of \$100,000 from the State General Fund to the fund; and to provide that, for the current fiscal year and each fiscal year hereafter, whenever the unexpended balance in the fund falls below \$90,000 the additional sum required to maintain a balance of \$100,000 in the fund is appropriated from the State General Fund to the fund provided, however, that the amount deposited to the fund from the State General Fund shall not exceed a cumulative total of \$200,000 during any single fiscal year.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby established a separate fund in the state treasury, the “Alabama Bureau of Investigation Cost of Evidence Fund.” Distributions may be made from this fund by the state comptroller only to the Alabama Department of Public Safety and only upon presentation to the comptroller by the Director of the Department of Public Safety of proper documentation that the requested distribution from the fund is for the use of the Alabama Bureau of Investigation for the procurement of evidence to aid in the criminal enforcement of the laws of this state.

(b) Any funds withdrawn from the fund which are not expended for the purposes authorized in subsection (a) or which are, after expenditure for such purposes, recovered by or reimbursed to the Department of Public Safety, shall be returned to the state comptroller for deposit to the Alabama Bureau of Investigation Cost of Evidence Fund.

(c) There is hereby appropriated to the Alabama Bureau of Investigation Cost of Evidence Fund from the State General Fund the sum of \$100,000. Beginning with the fiscal year in which this act becomes effective, and each fiscal year thereafter, whenever the unexpended balance in the Alabama Bureau of Investigation Cost of Evidence Fund falls below a balance of \$90,000, the additional sum required to maintain balance of \$100,000 in the fund is hereby appropriated from the State General Fund to the fund provided, however, that the amount deposited to the fund from the State General Fund shall not exceed a cumulative total of

\$200,000 during any single fiscal year. Any funds deposited by the comptroller to the Alabama Bureau of Investigation Cost of Evidence Fund pursuant to subsection (b) of this section shall not be counted for purposes of the \$200,000 per fiscal year limit imposed by this subsection.”

(d) The Department of Public Safety shall include with the department’s annual budget request to the governor and the legislature a statement of total expenditures from the Alabama Bureau of Investigation Cost of Evidence Fund for the most recent complete fiscal year.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 5, 1998

Time: 1:04 P.M.

Act No. 98-558

H. 270 – Rep. Hawk

AN ACT

To make an appropriation of \$50,000 from the Education Trust Fund to the Kate Duncan Smith DAR School in Marshall County, Alabama for the support and maintenance of the school physical plant and education programs, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$50,000 from the Education Trust Fund to the Kate Duncan Smith DAR School in Marshall County, Alabama for the support and maintenance of the school physical plant and education programs, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:05 P.M.

Act No. 98-559

H. 337 – Reps. Parker (T) and Fuller

AN ACT

To make an appropriation of \$120,000 from the Education Trust Fund to the Children's Hands-on Museum in Tuscaloosa, Alabama for the support and maintenance of a hands-on science museum program for children, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$120,000 from the Education Trust Fund to the Children's Hands-on Museum

in Tuscaloosa, Alabama for the support and maintenance of a hands-on science museum program for children, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation for the Children's Hands-on Museum is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:06 P.M.

Act No. 98-560

H. 481 – Reps. Morton, Gaines, Carns,
Payne, Townsend and
Hawkins

AN ACT

To make an appropriation of \$35,000 from the Education Trust Fund to the Governor's School in Birmingham, Alabama for the support and maintenance of an academic honors program for rising high school seniors, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$35,000 from the Education Trust Fund to the Governor's School in Birmingham, Alabama for the support and maintenance of an academic honors program for rising high school seniors, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of

accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:07 P.M.

Act No. 98-561

H. 271 – Rep. Kennedy

AN ACT

To make an appropriation of \$682,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the support and maintenance of a program for health care and education in a specialized hospital and for training of physicians, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$682,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the support and maintenance of a program for health care and education in a specialized hospital and for training of physicians, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:08 P.M.

Act No. 98-562

H. 344 – Rep. Curry

AN ACT

To make an appropriation of \$739,051 from the Education Trust Fund to the State Board of Education for special programs at special schools, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$739,051 from the Education Trust Fund to the State Board of Education for special programs at special schools, for the fiscal year ending September 30, 1999. The above appropriation shall be allocated as follows:

(a) Cherokee County Board of Education-Dee Day School17,500

(b) Northeast Alabama State Community
College-Jackson-DeKalb County Special School.....60,000

- (c) Mobile County Board of Education-Southwest
School for Deaf and Blind470,000
Of the above appropriation \$94,000 shall be
expended for the Volunteers of America-South
Alabama, for a program at the Center for the Deaf
and Hard of Hearing.
- (d) Mobile County Board of Education-Augusta
Evans Special School20,000
- (e) Jefferson County Board of Education-Burkett
Multi-Handicapped Center.....40,000
- (f) Coffee County Board of Education-Project
Independence40,000
- (g) Birmingham City Board of Education-EPIC School36,400
- (h) Alabama A and M University-North Alabama Center
for Educational Excellence18,000
- (i) Russellville City Board of Education-Multi-
Handicapped Center37,151

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above programs. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to

planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:09 P.M.

Act No. 98-563

H. 272 – Reps. Fuller and Curry

AN ACT

To make an appropriation of \$350,000 from the Education Trust Fund to the Children's Theatre in Birmingham, Alabama for the support and maintenance of programs to provide a quality educational and entertaining theatre program to the Birmingham area and a touring program to the entire state and to provide workshops and training for teachers, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$350,000 from the Education Trust Fund to the Children's Theatre in Birmingham, Alabama for the support and maintenance of programs to provide a quality educational and entertaining theatre program to the Birmingham area and a touring program to the entire state and to provide workshops and training for teachers, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial

Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:10 P.M.

Act No. 98-564

H. 262 – Rep. Knight (J)

AN ACT

To make an appropriation of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center in Montgomery, Alabama for the support and maintenance of a non-profit, comprehensive manpower training program providing basic education, job development, job placement, follow-up, individual and group counseling, and referral services for individuals between the ages of 16 and

21 years, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislator of Alabama:

Section 1. There is hereby appropriated the sum of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center in Montgomery, Alabama for the support and maintenance of a non-profit, comprehensive manpower training program providing basic education, job development, job placement, follow-up, individual and group counseling, and referral services for individuals between the ages of 16 and 21 years, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 5, 1998

Time: 1:11 P.M.

Act No. 98-565

H. 901 – Rep. Guin

AN ACT

Relating to the City of Cordova in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Cordova police officers and all City of Cordova jailers; to provide for the City Council of Cordova to increase the amount of hazardous duty payments; and to provide for implementation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Notwithstanding any special, local, or general law to the contrary, there is levied additional court costs and charges of twelve dollars (\$12) upon any criminal or civil case including, but not limited to misdemeanor cases and traffic violation cases, whose jurisdiction is in the City of Cordova Municipal Court of the 14th Judicial Circuit. The costs and charges levied by this act shall be in addition to all other costs and charges presently levied and shall be collected as other costs and charges. The levy of the costs and charges shall commence on the effective date of this act and all cases pending at that time shall be subject to the levy of costs and charges.

(b) All money derive from the costs and charges shall be remitted to the Cordova City Council and placed in a special fund known as the "Hazardous Duty Pay Fund." Hazardous duty pay, as provided in this act, shall be paid exclusively from the fund and all funds deposited shall be used pursuant to this act.

(c) In the event funds collected pursuant to this act are insufficient to pay the monthly hazardous duty pay to each police officer and each jailer, the Cordova City Council shall have no responsibility or liability to pay the payments and all hazardous duty pay shall be suspended until sufficient funds are collected and deposited in the "Hazardous Duty Pay Fund."

Section 2. (a) In addition to all other compensation presently paid, each sworn police officer employed full-time by the City of Cordova shall be entitled to hazardous duty pay equal to one hundred dollars (\$100) per month and all City of Cordova jailers shall be entitled to hazardous duty pay equal to one hundred dollars (\$100) per month. The sum shall be paid in the same manner as the salary of police officers and jailers except that the Cordova City Council, in its discretion, may elect to pay all of the sum in one pay period each month. The Cordova City Council shall begin paying the hazardous duty pay to the police officers and jailers the first pay period the funds are available to cover the sum needed. The Cordova City Council may increase the amount of hazardous duty payments to police officers in its discretion, provided that all increases are paid from the Hazardous Duty Fund created by this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:16 A.M.

Act No. 98-566

H. 903 – Rep. Parker (T)

AN ACT

Relating to Tuscaloosa County; providing for creation of the Tuscaloosa Public Library and providing further for an increase of the board membership of the Tuscaloosa Public Library; and to repeal Act 1433, 1971 Regular Session (Acts 1971, p. 2458).

Be It Enacted by the Legislature of Alabama:

Section 1. The government and supervision of any free public library established and maintained jointly by Tuscaloosa County and the municipalities therein shall be vested in a library board. The governing body of Tuscaloosa County and the governing body of the City of Tuscaloosa shall each appoint five members to the board; and the governing body of the City of Northport shall appoint one member. The Tuscaloosa Public Library Board of Trustees members serving when this act becomes effective shall serve out the remainder of the terms for which they were

appointed. The additional four members appointed immediately after this act becomes effective shall serve for such terms as will stagger the terms of all board members so that the terms of not more than three members shall expire in any one year. The four additional members first appointed pursuant to this act shall draw lots to determine which two shall serve the longer initial term. All successor members shall be appointed for terms of four years.

Section 2. Act 1433 of the 1971 Regular Session is repealed and superseded by this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:17 A.M.

Act No. 98-567

H. 699 – Rep. Turner

AN ACT

Relating to Mobile County; to amend Act 86-227 of the 1986 Regular Session (Acts 1986, p. 335), relating to the deposit of monies collected by the Mobile County License Commissioner and other elected officials, to further provide for the deposit of fiduciary accounts of the probate court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 86-227 of the 1986 Regular Session (Acts 1986, p. 335) is amended to read as follows:

Section 1. “(a) Except as provided in subsection (b), the License Commissioner and other elected officials of Mobile County shall deposit all collection of monies by his or her office in an interest-bearing checking account or interest-bearing savings account within Mobile County.

“(b) Funds deposited in the probate court of the county in any of its fiduciary accounts shall be exempt from the above interest requirement. Fiduciary funds or individual fiduciary accounts may be placed in interest bearing accounts at the discretion of the judge of probate pursuant to an investment policy to be established by and deemed by the probate court to be efficient and cost effective.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:18 A.M.

Act No. 98-568

H. 740 – Reps. McMillan, Penry, Warren
and White

AN ACT

Relating to Baldwin County; amending Act 96-615, 1996 Regular Session (Acts 1996, p. 978), authorizing the sheriff to operate a jail store and a telephone system for prisoners in county custody and providing for the deposit of the proceeds in the sheriff's law enforcement fund, to provide for certain federal funds and other funds to be deposited to the law enforcement fund and accounted for and distributed in the same manner as other transactions in the fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 96-615, 1996 Regular Session (Acts 1996, p. 978), is amended to read as follows:

“Section 1. (a) The Sheriff of Baldwin County or the authorized agents of the sheriff may operate a jail store and a telephone system for prisoners within the confines of the county jail. The jail store and a telephone system shall be operated to serve the needs of the jail population.

“(b) The sheriff may apply for and receive Social Security Incentive Programs Funds pursuant to federal law and court costs and other funds collected pursuant to Act 97-541, 1997 Regular Session (Acts 1997, p. 948) and other laws. These funds shall be deposited in the Sheriff's Law Enforcement Fund established pursuant to this act and shall be accounted for and distributed in the same manner as other transactions in the fund.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:19 A.M.

Act No. 98-569

H. 707 – Rep. Black (L)

AN ACT

Relating to Sumter County; providing for the compensation of the coroner payable from county funds; and repealing Act 93-495, relating to an expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coroner of Sumter County shall be entitled to receive, as total county compensation an annual salary, the

amount of eight thousand four hundred dollars (\$8,400) for the duties of the office, to be paid out of the county general fund in equal monthly installments of seven hundred dollars (\$700) per month. The compensation provided by this act shall be the total compensation, expense allowance, and mileage allowance provided for the coroner.

Section 2. Act 93-495, H. 745 of the 1993 Regular Session (Acts 1993, p. 835), is repealed.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:20 A.M.

Act No. 98-570

H. 812 – Rep. Johnson (R)

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Sylacauga in Talladega County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Sylacauga in Talladega County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the now included, all of the following territory:

PARCEL 1. The NE 1/4 of NE 1/4 of Section 14, Township 21 S, Range 3 E, Talladega County, Alabama, **LESS & EXCEPT** therefrom a strip of land of even width, being 165.2 feet east and west off of the west side of said Quarter/Quarter Section.

LESS & EXCEPT that portion of the NE 1/4 of NE 1/4 of Section 14, T-21 S, R-3 E, Talladega County, Alabama, that lies north of Highway 25 (Sylacauga-Childersburg Highway) heretofore conveyed by deed recorded in the Talladega County Probate Office in Deed Book 390 at page 256 and in Deed Book 383, pg 516.

ALSO LESS & EXCEPT the following described property, to-wit: Commence at the Southwest corner of the NE 1/4 of NE 1/4 of Section 14, T-21 S, R-3 E, Talladega, County, Alabama; thence proceed east along the South boundary of said quarter/quarter section for a distance of 495.2 feet to the point of beginning; from this beginning point continue east along the south boundary of said

quarter/quarter section for a distance of 420 feet; thence turn an angle of 89 deg. 27' to the left and proceed north parallel to the east boundary of said quarter/quarter section for a distance of 420 feet; thence proceed west parallel to the south boundary of said quarter/quarter section for a distance of 420 feet; thence proceed south for a distance of 420 feet to the point of beginning, being subject to an easement of 10 feet in width along the south boundary of said quarter/quarter section.

Also, a strip of land being 30 feet in width measured east from the following described line: Commence at the northwest corner of the above described 4-acre tract; thence proceed east along the north boundary of said 4-acre tract for a distance of 140 feet to the point of beginning; thence turn an angle of 90 deg. 10' to the left and proceed north for a distance of 832 feet, more or less, to a point on the south R.O.W. line of Odena to Childersburg paved highway as now located.

The above described land, being located in NE 1/4 of NE 1/4 of Section 14, T-21 S, R-3 E, Talladega County, Alabama, is subject to an easement of 10 feet in width along the east boundary and the south boundary of said quarter/quarter section, and contains 29 acres, more or less.

PARCEL 2. Commence at the Southwest corner of the NE 1/4 of the NE 1/4 of Section 14, Township 21 South, Range 3 East, Talladega County, Alabama; thence proceed east along the south boundary of said quarter-quarter section for a distance of 495.2 feet to the point of beginning. From this beginning point continue east along the south boundary of said quarter-quarter section for a distance of 420 feet; thence turn an angle of 89 deg. 27' to the left and proceed north parallel to the east boundary of said quarter-quarter section for a distance of 420 feet; thence proceed west parallel to the south boundary of said quarter-quarter section for a distance of 420 feet; thence proceed South for a distance of 420 feet to the point of beginning.

Also a strip of land being 30 feet in width measured east from the following described line: Commence at the northwest corner of the above described 4-acre tract; thence proceed east along the north boundary of said 4-acre tract for a distance of 140 feet to the point of beginning. From this beginning point thence turn an angle of 90 deg. 10' to the left and proceed north for a distance of 832 feet, more or less, to a point on the south right of way line of the Odena to Childersburg paved highway as now located.

All of the above described land is located in the NE 1/4 of the NE 1/4 of Section 14, Township 21 South, Range 3 East, Talladega County, Alabama, and contains 4 acres.

PARCEL 3. Commence at the Southeast corner of the SE 1/4 of the NE 1/4 of Section 14, Township 21 South, Range 3 East, Talladega County, Alabama; thence proceed west along the south boundary of said quarter-quarter section for a distance of 640 feet to the point of beginning. From this beginning point continue west along the south boundary of said quarter-quarter section for a distance of 330 feet; thence turn an angle of 90 deg. 33' to the right and proceed north for a distance of 1318.82 feet to a point on the north boundary of the SE 1/4 of the NE 1/4; thence proceed east along the north boundary of said quarter-quarter section for a distance of 330 feet; thence turn an angle of 90 deg. 33' to the right and proceed south for a distance of 1318.82 feet to the point of beginning. The above described land is located in the SE 1/4 of the NE 1/4 of Section 14, Township 21 South, Range 3 East, Talladega County, Alabama, and contains 10 acres. Subject to easements, restrictions, reservations and rights-of-way of record, including but not limited to a 40' and a 10' easement along the north boundary of the property.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Sylacauga is on file in the office of the Judge of Probate in Talladega County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:21 A.M.

Act No. 98-571

H. 932 – Rep. Graham

AN ACT

Relating to Tallapoosa County; to authorize the county commission to maintain a contingency fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tallapoosa County Commission may maintain a contingency fund in the county treasury. The contingency fund may be funded in any fiscal year in an amount not to exceed ten thousand dollars (\$10,000) and may be funded from the county general fund or any other funds in the county treasury not otherwise restricted. Funds in the contingency fund may be appropriated and spent for any lawful public purpose at the discretion of

the county commission for purposes not covered by the general budget of the county.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:22 A.M.

Act No. 98-572

H. 832 – Rep. Thomas (D)

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Springville in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Springville in St. Clair County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

Lot 40, according to the survey of Heritage Hill Estates First Sector as recorded in Plat Book 5, Page 27, in the Probate Office of St. Clair County, Alabama, Ashville Division.

Commence at the NE corner of the NE 1/4 of SW 1/4 of Section 4, Township 15 South, Range 2 East; thence West along the North line of said 1/4 1/4 section 571.63 feet; thence S 21 degrees 40 minutes W 215.00 feet to the point of beginning of parcel herein described; thence continue along the last named course 215.50 feet to the Northeasterly right-of-way of Highway #174, said point being on a curve to the right having a central angle of 2 degrees 13 minutes 20 seconds a radius of 4274.32 feet; thence a chord bearing of S 62 degrees 23 minutes 07 seconds E along said right-of-way 165.76 feet; thence N 30 degrees 44 minutes 40 seconds E 233.87 feet; thence N 67 degrees 50 minutes 30 seconds W 201.78 feet to the point of beginning.

A portion of land situated in three sections: Section 3, Section 4 and Section 9, all in Township 15, Range 2 East, St. Clair County, Alabama and being more particularly described as follows:

PARCEL #1: Commence at SW corner of Section 3 and follow section line due East 160 feet; thence turn left 90 degrees due

north for 159 feet to a stake; thence turn left approximately 78 degrees 30' in a northwesterly direction for 166 feet to a stake on section line; thence follow section line due south 200 feet to SW corner of Section 3, Township 15, Range 2 East, St. Clair County, Alabama which is point of beginning.

PARCEL #2: Commence at NE corner of Section 9, Township 15, Range 2 East, St. Clair County, Alabama and follow section line due west 200 feet; thence turn left approximately 90 degrees and continue due south approximately 207 1/2 feet; to road; thence turn left approximately 62 degrees 30' and continue to follow highway approximately 240.70 feet, more or less, to section line; thence turn left approximately 122 degrees 30' on section line and continue due north approximately 344 feet, more or less, to point of beginning.

PARCEL #3: Commence at SE corner of Sec. 4, Twp. 15, Range 2 East, St. Clair County, AL., and follow section line due north 200 feet to stake; thence turn left 29 degrees for 45 ft. to a stake; thence turn left approximately 62 degrees for 183 feet; thence turn left approximately 93 degrees and continue due south to section line; thence turn left approximately 90 degrees and follow section line approximately 200 ft. to SE corner of Section 4, Twp. 15, Range 2 East to a stake which is point of beginning.

Roads, rights-of-way, public utilities, easements, mineral and mining rights excluded.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Springville is on file in the office of the Judge of Probate in St. Clair County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:23 A.M.

Act No. 98-573

H. 929 – Rep. Dolbare

AN ACT

Relating to Clarke County; amending Act 97-650, H. 898 of the 1997 Regular Session (Acts 1997, p. 1214), providing for the compensation of the county commission and providing for a centralized road system and referendum, so as to change the operative date, further provide for meetings for budgetary matters, and to further provide for the date of the referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 2, and 7 of Act 97-650, H. 898 of the 1997 Regular Session (Acts 1997, p. 1214), are amended to read as follows:

“Section 1. Beginning with the term of office of any member of the county commission which commences on or after November 2000, the chair and each member of the county commission shall serve on a part-time basis and receive a salary as provided by Section 11-3-4.1 of the Code of Alabama 1975, for serving on a part-time basis.

“Section 2. The Clarke County Commission shall establish a centrally located shop and centralized road system for the operation of the county roads and bridges. The county commission may vote to establish more than one shop location when the county engineer recommends any additional location is needed to facilitate the economical use of equipment and funds. The county engineer shall at each September or earlier meeting of the county commission make recommendations for a yearly work plan and present an annual budget. Approval of plan shall require a minimum of four favorable votes. The commission at its regular meetings shall discuss needs as they arise and vote on all issues that might affect the county.

“Section 7. Sections 1 to 6, inclusive, of this act shall become operative only if approved by a majority of the qualified electors of Clarke County who vote in the general election to be held in 1998. The notice of the election shall be given by the judge of probate, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The election shall be held in conjunction with the next regularly scheduled state or local election to be held in the county. The question shall be, “Do you favor the adoption of Act 97-650, of the 1997 Regular Session of the Alabama Legislature as amended by Act ____ of the 1998 Regular Session, which provides that the county commission serve on a part-time basis and for countywide planning of road maintenance? Yes () No ().” The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are “Yes,” Sections 1 to 6, inclusive, of this act, as amended, shall become operative immediately. If the majority of the votes are “No,” this act, as amended, shall be repealed and shall have no further effect. The Judge of Probate of Clarke County shall certify the results of the election to the Secretary of State.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:24 A.M.

Act No. 98-574

H. 947 – Rep. Johnson (R)

AN ACT

Relating to Talladega County; providing for an additional expense allowance and salary for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Talladega County shall be entitled to receive an additional expense allowance in the amount of five thousand dollars (\$5,000) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent sheriff, the annual salary for the Sheriff of Talladega County shall be increased by five thousand dollars (\$5,000), payable in equal monthly installments from the general fund of the county and at that time, Section 1 shall become null and void.

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 8:25 A.M.

Act No. 98-575

H. 741 – Reps. McMillan, Penry, Warren
and White

AN ACT

Relating to Baldwin County; prescribing the salary of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with the term of office beginning January 1999, the Sheriff of Baldwin County shall receive an annual salary of seventy-six thousand one hundred fifty-six dollars (\$76,156) in lieu of any and all compensation now provided by law.

Section 2. This act shall become effective on the next term of office of the Sheriff of Baldwin County.

Approved May 6, 1998

Time: 8:26 A.M.

Act No. 98-576

H. 939 – Reps. McDaniel and Hawk

AN ACT

Relating to Marshall County; providing for the procedure for the handling of noncollectible negotiable instruments that are issued, uttered, or delivered for a motor vehicle license; providing for notice to the issuer of the instrument; providing for the retrieval of the license or the voiding of same if not reasonably retrievable; providing for the crediting of the judge of probate for the cost, taxes, and issuance fee incidental to the license; providing for the appropriate state offices to mark or note their records relative to the voiding of the license; and providing immunity for persons implementing this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, when a negotiable instrument, such as a check or draft, given for a motor vehicle license is found to be noncollectible for any reason, the judge of probate, or his or her designee, shall notify the maker or drawer of the negotiable instrument, in writing, that payment of the negotiable instrument was refused by the drawee and that if the maker or drawer does not pay the holder thereof the amount due thereon, within 10 days of the mailing of the notice to the maker or drawer, then the motor vehicle license shall be subject to being retrieved or voided by the judge of probate without further notice. Written notice by regular mail to the address printed on the instrument or given by the maker or drawer at the time of issuance shall be conclusively deemed sufficient and equivalent to notice having been received by the person making, drawing, uttering, or delivering the instrument.

Section 2. If the maker or drawer of the instrument fails to timely pay the amounts due pursuant to Section 1, then the judge of probate shall notify the license inspector who shall make a reasonable attempt to retrieve the license in question.

Section 3. In the event the motor vehicle license cannot be retrieved, the license inspector shall state this fact in writing to the judge of probate and the statement shall constitute authorization for the judge of probate to void the motor vehicle license.

Section 4. Once the motor vehicle license has been voided, the judge of probate shall receive credit for the cost of the motor vehicle license, sales and use tax, and the issuance fee. The appropriate state office or offices shall mark all pertinent records pertaining to the void license accordingly and upon inquiry by any law enforcement agency or officer shall notify the agency or officer that the party in question is operating under a void license. All violations shall be prosecuted in accordance with current law.

Section 5. The provisions of this act are supplemental and cumulative and the remedies provided in this act are in addition to any other criminal or civil penalty provided by law for the negotiating of worthless negotiable instruments.

Section 6. In addition to any other applicable immunity protections, the judge of probate or any of his or her employees, agents, or assigns who comply with this act shall be immune from civil or criminal liability for all actions taken pursuant to this act.

Section 7. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:27 A.M.

Act No. 98-577

H. 455 – Rep. Turnham

AN ACT

Relating to Lee County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The Sheriff of Lee County shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the sheriff's department. These records shall state the description of the property, the date of recovery of the property, the serial or other identifying number of the property, and the place of recovery of the property. The records shall be open to public inspection at all reasonable times.

(b) All abandoned or stolen property recovered by the sheriff's department shall be stored in a suitable place to protect the property from deterioration.

Section 2. If the abandoned and stolen personal property is of a perishable nature and reasonable attempts to locate and identify the owner of the property are not successful, the property may be sold at once without notice. The sheriff shall attempt to obtain the best possible price for the property. The proceeds of such a sale shall be held in a separate account for a period of six months for the owner. During this period, the proceeds will be paid to the owner upon demand, less any cost of recovery, storage, maintenance, and

sale. If the proceeds are not claimed within six months, after deducting and paying all expenses incurred in the recovery, storage, maintenance, and sale of the property, the net funds shall be paid to the Office of the Sheriff of Lee County.

Section 3. (a) The sheriff shall keep and maintain a separate permanent record of all abandoned and stolen firearms, not subject to disposition by general law. The records shall state the description of the firearm, the date of recovery of the firearm, the serial or other identifying number, if any, of the firearm, and the place of recovery of the firearm. Firearm as used in this act, shall have the same meaning as defined in Section 13A-8-1 of the Code of Alabama 1975.

(b) Unless otherwise provided by law, the sheriff may sell or destroy these firearms if the owner of the firearm does not claim the firearm within six months of the date the sheriff obtained it.

(c) The sheriff may sell the firearms only to gun dealers who have held an active business license from Lee County for at least one year immediately prior to the date of the sale. The sheriff shall establish a procedure to notify gun dealers of a sale. A firearm shall be sold to the gun dealer submitting the highest sealed bid. All sales shall be on a cash basis. The proceeds of the sale, after deducting and paying all expenses incurred in the recovery, maintenance, and sale of the firearms shall be paid to the Office of the Sheriff of Lee County.

(d) The sheriff may establish a procedure to destroy firearms and may expend necessary sheriff department funds for that purpose.

Section 4. (a) At least every six months, the sheriff shall sell at public auction to the highest bidder for cash all abandoned or stolen personal property, other than firearms, which has been recovered by the sheriff's department and has remained unclaimed by the rightful owner during the preceding six month period.

(b) Prior to the sale, notice shall be given by publication in a newspaper of general circulation in Lee County once a week for two successive weeks and by posting a notice in a conspicuous place at the Lee County Courthouse for a period of at least 20 days. The notice shall contain the place, date, and time of each auction and a description of each item of personal property to be sold at the auction. Publication of notice shall be made in the newspaper; the first notice shall run at least 20 days prior to the auction.

Section 5. The owner of any abandoned or stolen personal property recovered by the Lee County Sheriff's Department, including firearms, may claim the property at any time prior to its sale by submitting sufficient proof of ownership as determined by

the sheriff and by paying any reasonable expenses incurred in the recovery of the property, its maintenance, storage, and a pro rata share of the costs, if any, of publication of notice of the sale of the property.

Section 6. If property is sold at public auction, as provided in this act, a notation in the storage record book shall be made of the sale and of the amount received for the property. The person making the sale may reject any and all bids if the amount bid is unreasonably low and may continue the sale, from time to time, if no bidders are present.

Section 7. The proceeds from the sale of property at an auction conducted under the authority of this act, after deducting and paying all expenses incurred in the recovery, storage, maintenance, and sale of property, shall be paid to the Office of the Sheriff of Lee County.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:28 A.M.

Act No. 98-578

H. 956 – Rep. Penry

AN ACT

Relating to Baldwin County; providing for additional costs and charges in all domestic violence cases in the circuit, district, and municipal courts; and providing for the distribution of the proceeds to established domestic violence shelters.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and charges in circuit, district, and municipal court cases in Baldwin County, there shall be levied and assessed a court cost of twenty-five dollars (\$25) in all cases in which court costs are assessed which are determined by the judge to be domestic violence cases. The clerk of the court shall collect the court costs and shall periodically remit the proceeds to the Chief Presiding District Court Judge of Baldwin County to be used to establish and operate domestic violence shelters in Baldwin County.

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:29 A.M.

Act No. 98-579

H. 957 – Rep. Penry

AN ACT

Relating to Baldwin County; to authorize the establishment and operation of a county archives; to provide for funding and staffing of the archives; to create the Baldwin County Department of Archives and History Advisory Board and provide for the membership; and to provide additional county filing fees in the probate court and additional court costs in the circuit court in civil and criminal proceedings.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Baldwin County.

Section 2. The Legislature finds that Baldwin County has a legal obligation to create and maintain records which document its work and to make those records accessible to the public. The Legislature further finds that the current storage facilities and method of providing access to those records are inadequate to meet the needs of the county government and the citizens of Baldwin County.

Section 3. The Legislature hereby establishes the Baldwin County Department of Archives and History to facilitate the preservation, conservation, and accessibility of the records of Baldwin County through the operation of the Baldwin County Archives. The Baldwin County Department of Archives and History shall be a separate department of the Baldwin County government under the control of the county commission.

Section 4. The Baldwin County Archives shall act as a separate depository for the archival and historic records of all branches of Baldwin County government including, but not limited to, the county commission, the judge of probate, the office of the revenue commissioner, the office of the license commissioner, and the sheriff's department. Any records required to be kept by law by any of the above county officers or departments may be stored in the Baldwin County Archives by agreement of the county officer or department. In addition, the Baldwin County Archives may act as a depository for items of historical significance from the private sector

of Baldwin County including, but not be limited to, photographs, books, family histories, diaries, letters, ledgers, and artifacts.

Section 5. (a) The Baldwin County Archives shall be funded by all of the following:

(1) By transaction fees levied by the county commission for the purpose of this act from the departments of government that it serves.

(2) By funds appropriated by the county commission.

(3) By private donations from individuals, corporations, and nonprofit organizations.

(4) By grants.

(5) By revenues generated by providing archival and records management services to local government offices not included in the Baldwin County budget system.

(b) The Baldwin County Commission may set user fees, filing, and transactions fees from departments and agencies of government and others for services provided by the Baldwin County Archives, including, but not limited to, the storing of records, use of records, and copying. The user fees shall be based on a schedule adopted by the county governing body upon recommendation of the Baldwin County Department of Archives and History Advisory Board. The county governing body may increase or decrease the fees, from time to time, as necessary to implement this act, based on the recommendations of the advisory board.

Section 6. (a) In Baldwin County, an additional recording fee not to exceed five dollars (\$5) shall be charged and collected on each instrument filed for record in the office of the judge of probate. The office of the judge of probate shall not receive an instrument for filing unless the filing fee required by this act is paid. The fee required by this act shall be in addition to all other fees provided by law.

(b) In Baldwin County, an additional court cost in an amount not to exceed five dollars (\$5) shall be assessed and collected in each criminal or civil court case in the circuit court. The court costs required by this act shall be in addition to all other court costs provided by law.

(c) The filing fees and court costs required by this act shall be collected by the judge of probate and the clerk of the circuit court and shall be distributed monthly as follows:

(1) Sixty percent of the fee shall be paid to the Baldwin County Commission and credited to a special fund to be used exclusively for establishing and operating an archives in Baldwin County.

(2) Forty percent of the fee shall be deposited by the official collecting the fee into a special fund established in a bank located in Baldwin County to be used by the judge of probate or the clerk of the circuit court, respectively, for any of the following purposes:

- a. Developing, implementing, or operating, or any combination thereof, an improved indexing and records management program.
- b. Purchasing or upgrading equipment.
- c. Necessary operations.

(d) Fees collected under this act shall be audited by the Examiners of Public Accounts.

Section 7. The Baldwin County Department of Archives and History Advisory Board is created and shall be composed of the following members: Chair of county commission, presiding circuit judge, judge of probate, revenue commissioner, sheriff, circuit clerk, or their designees, a person designated by the Baldwin County Historical Society, and one person designated by the Baldwin County Genealogical Society. The latter two persons shall be members of the respective societies.

Section 8. The Baldwin County Archives shall provide assistance to the departments of the Baldwin County government in the development and operations of the Record Management Program of the county upon request from the department and with the approval of the county commission.

Section 9. The staff of the Baldwin County Archives shall consist of an archivist and other employees deemed necessary by the archivist and county commission. The archivist shall meet the minimum requirements set forth in the State of Alabama personnel announcement for archivist, currently designated Class Code 1-30430. The staff of the Baldwin County Archives shall be classified according to the standard personnel system currently used by the Baldwin County Commission and the State of Alabama and shall receive the same benefits as other Baldwin County employees of the same or equivalent grade.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 11. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:30 A.M.

Act No. 98-580

H. 799 – Rep. Gaines

AN ACT

Relating to Jefferson County; to further amend Section 12 of Act 497 of the 1965 Session of the Legislature of Alabama (Acts 1965, p. 717), establishing a retirement system for employees and officers of Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Subsection (a) of Section 12 of Act 497 of the Regular Session of the Legislature of Alabama of 1965 (Acts 1965, p. 717), as last amended by Act 85-808, is further amended to read as follows:

Section 12. “Section 12. (a) Non-Service Connected. Part (1) of subsection (a) of Section 12. Any member who, after having accumulated five (5) years paid membership time, shall become so disabled, either mentally or physically, for any cause except as hereinafter provided, that in the opinion of the Board and the Medical Advisor he is incapacitated for further performance of his duties, shall during the continuance of such disability be entitled to receive monthly disability benefits to be determined by the formula as provided under Section 10, above, such formula to be applied as though the disabled employee were entitled to retirement for superannuation at the commencement of the disability; provided, however, that the minimum monthly disability benefit payable under this Part (1) of subsection (a) of Section 12 shall be thirty percent (30%) of the salary the disabled employee was receiving when he became disabled. The provisions of this Part (1) of subsection (a) of Section 12 shall apply to any member who is granted the non-service connected disability benefit in the amount provided for in this Part (1) prior to the adoption of Part (2) of said subsection (a) next following. After Part (2), next following, is adopted, no member shall be granted a non-service connected disability benefit under this Part (1) of subsection (a) of Section 12.

“Part (2) of subsection (a) of Section 12. After the adoption of this Part (2) of subsection (a) of Section 12, any member who, after having accumulated ten (10) years paid membership time, shall become so disabled, either mentally or physically, for any cause except as hereinafter provided, that in the opinion of the Board and the Medical Advisor he is incapacitated for further performance of his duties, shall during the continuance of such disability be entitled to receive monthly disability benefits to be determined by the formula set forth in (b) of subsection A of Section 10, above, such formula to be applied as though the disabled employee were entitled to retirement for superannuation at the commencement of the disability.

Provided, however, such formula amount shall not be reduced below fifty percent (50%) of such superannuation benefit by reason of the age of the disabled member. After Part (3), next following, is adopted, no member shall be granted a non-service connected disability benefit under this Part (2) of subsection (a) of Section 12.

“Part (3) of subsection (a) of Section 12. After the adoption of this Part (3) of subsection (a) of Section 12, any member who, after having accumulated ten (10) years paid membership time, shall become so fully or partially disabled, either mentally or physically, for any cause except as hereinafter provided, that in the opinion of the Board and the Medical Advisor he is incapacitated for further performance of his duties, shall during the continuance of such disability be entitled to receive monthly disability benefits to be determined by the formula as provided under Section 10, above, such formula to be applied as though the disabled employee were to be entitled to retirement for superannuation at the commencement of the disability with the percentage reduction of the benefit based on the number of years from actual eligibility for superannuation retirement, as set out below.

Number of Years From Superannuation Retirement	Reduced Pension on Account of Disability Retirement Before Eligibility for Superannuation Retirement Expressed as a Percentage of Pension which would have been Payable at Date of Retirement if the Member were then Eligible for Superannuation Retirement
1	93%
2	87%
3	82%
4	77%
5	72%
6	68%
7	64%
8	60%
9	57%
10	54%
11 or more	50%

“Part (4) of subsection (a) of Section 12. No disability allowance shall be made hereunder if the use of intoxicating liquor or narcotic drugs, or willful misconduct of the disabled person be the cause of, or substantially contribute to, the disability or the cause of disability be voluntarily and willfully brought about by the disabled person.”

Section 2. The benefit provided by this amendment of Section 12 shall apply only to members of the system hereafter granted disability benefits.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 8:31 A.M.

Act No. 98-581

H. 838 – Rep. Crigler

AN ACT

Relating to Mobile County; providing that certain retiring officers of the sheriff's department receive, as part of their retirement benefits, without cost, their badge and pistol.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Employees of the Sheriff's Office of Mobile County who are classified as a deputy sheriff, corporal, sergeant, lieutenant, or captain and who retire in good standing after at least 25 years of service with the sheriff's office shall be awarded the service weapon and badge that the sheriff's office requires for on duty law enforcement personnel at no cost to the retiring officer.

(b) Weapons awarded under this act shall be replaced in the county inventory by the Sheriff of Mobile County by purchasing new weapons of the same brand and caliber with funds from the Mobile County Sheriff's Office Pistol Permit Fund.

Section 2. It shall be the duty of the Sheriff of Mobile County to ensure that the awards and purchase for the replacement weapon are made pursuant to Section 1 of this act.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:32 A.M.

Act No. 98-582

H. 952 – Rep. Venable

AN ACT

Relating to Coosa County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, maintenance, furnishing, equipping, and financing of the county jail.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any court costs and fees now or hereafter authorized in Coosa County, the Coosa County Commission may impose by resolution of the commission an additional fee in an amount not to exceed fifty dollars (\$50) to be assessed and taxed as costs on each civil case and on each criminal case, including traffic cases, but excluding small claims cases, filed in the Circuit Court, District Court, or any municipal court in Coosa County, as well as an additional fee not to exceed five dollars (\$5) for the service of a pleading or other document in connection with any action or case. These fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the case are waived.

Section 2. The additional fees when collected by the clerks or their collection officers of the courts shall be paid into the General Fund of Coosa County to be used by the Coosa County Commission for the planning, designing, construction, financing, furnishing, equipping, operation and maintenance of the county jail. The Coosa County Commission may set and adjust by resolution the fees within the limits authorized by this act based on the needs associated with the county jail.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 8:33 A.M.

Act No. 98-583

H. 933 – Rep. Burke

AN ACT

Relating to Dekalb County; providing for the compensation of the county officer who issues motor vehicle tags, and the compensation and expense allowance of the revenue commissioner and the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. All compensation and expense allowance increases provided in this act shall be subject to the approval of the Dekalb County Commission.

Section 2. (a) Beginning January 1, 1999, the Revenue Commissioner of Dekalb County shall receive an additional expense allowance of five thousand dollars (\$5,000) per annum, which shall be in addition to all other compensation, expense allowances, or salary provided by law. The expense allowance shall be payable in equal monthly installments from the general fund of the county.

(b) Beginning January 1, 2000, the Revenue Commissioner of Dekalb County shall receive an additional expense allowance of five thousand dollars (\$5,000) per annum, which expense allowance shall be in addition to all other compensation, expense allowance, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

(c) Beginning with the expiration of the term of the incumbent, the annual salary for the Revenue Commissioner of Dekalb County shall be increased by ten thousand dollars (\$10,000) per annum, payable in equal monthly installments from the general fund of the county and at that time, subsections (a) and (b) shall be null and void.

Section 3. (a) Beginning January 1, 1999, the Judge of Probate of Dekalb County shall receive an additional expense allowance of five thousand dollars (\$5,000) per annum, which shall be in addition to all other compensation, expense allowance, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

(b) Beginning January 1, 2000, the Judge of Probate of Dekalb County shall receive an additional expense allowance of five thousand dollars (\$5,000) per annum, which expense allowance shall be in addition to all other compensation, expense allowance, or benefit provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

(c) Beginning with the expiration of the term of the incumbent, the annual salary for the Judge of Probate of Dekalb County shall be increased by ten thousand dollars (\$10,000) per annum, payable in equal monthly installments from the general fund of the county and at that time, subsections (a) and (b) shall be null and void.

Section 4. Commencing with the next term of office, the county official charged with the duties of issuing and renewing motor

vehicle tags shall receive additional compensation of three thousand dollars (\$3,000) per annum, which shall be in addition to all other compensation, expense allowances, or salary provided by law.

Section 5. The additional expense allowances provided pursuant to this act shall be credited toward the supernumerary retirement of the revenue commissioner and judge of probate.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 8:34 A.M.

Act No. 98-584

H. 774 – Rep. Smith

AN ACT

Relating to Chilton County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that on approval of the electors the offices shall be consolidated.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Chilton County.

Section 2. The purpose of this act is to conserve revenue and promote the public convenience in the county by consolidating the office of tax assessor and the office of tax collector into one county office designated as the office of county revenue commissioner.

Section 3. At the expiration of the current term of office of the tax assessor and the office of the tax collector of the county following the effective date of this act, or if a vacancy occurs in either office, then immediately upon the occurrence of the vacancy, the office of county revenue commissioner shall be established. If the office of county revenue commissioner is established upon the occurrence of a vacancy in either the office of tax assessor or the office of tax collector, the tax assessor or the tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term of office for which he or she was elected. The county revenue commissioner shall be elected at the general election in 2002 and every six years thereafter and shall serve for a term of office of six years. The county revenue commissioner first elected shall take office on October 1, 2003.

Section 4. The county revenue commissioner shall perform all acts, duties, and functions required by law to be performed by the tax assessor and the tax collector of the county. The official acts of the employees of the county revenue commissioner shall have the same force and legal effect as if performed by the county revenue commissioner.

Section 5. Before entering upon the duties of office, the county revenue commissioner shall take the oath of office prescribed by Section 279 of the Constitution of Alabama of 1901, and execute a bond in a sum fixed by the county commission secured by a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond shall be paid out of the general fund of the county on a warrant of the county commission and shall be a preferred claim against the county.

Section 6. The county revenue commissioner shall receive a salary of not less than the minimum salary provided by Section 40-6A-2 of the Code of Alabama 1975, payable in the manner prescribed by that section. The exact amount of the salary of the county revenue commissioner shall be set by resolution of the county commission prior to the county revenue commissioner taking office.

Section 7. The office of the tax assessor and the office of tax collector shall be abolished effective on September 30, 2003, or on an earlier date as provided in this act if a vacancy occurs in either the office of tax assessor or tax collector.

Section 8. Sections 1 to 7, inclusive, of this act shall become operative only if approved by a majority of the qualified electors of Chilton county who vote in an election to be held on the day of the primary election in 2000. The notice of the election shall be given by the judge of probate, which notice shall be published once a week for three successive weeks before the day of the election, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The question shall be, "Do you favor the adoption of Act ____, of the 1998 Regular Session of the Alabama Legislature which provides for the abolition of the Office of Tax Assessor and the Office of Tax Collector of Chilton County and the consolidation of the duties of those offices into the one office to be known as the County Revenue Commissioner of Chilton County? Yes () No ()." The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are "Yes," Sections 1 to 7, inclusive, of this act shall

become operative immediately. If the majority of the votes are "No," this act shall have no further effect. The Judge of Probate of Chilton County shall certify the results of the election to the Secretary of State.

Section 9. If either the office of tax assessor or the office of tax collector becomes vacant before the expiration of the term of office and before the time of the election provided by this act the remaining officer shall serve in an acting capacity for the vacant office without additional compensation until the remaining provisions of this act become operative or have no further effect. If Sections 1 to 7, inclusive, of this act become operative, the remaining officer shall be the county revenue commissioner for the remainder of the term for which he or she was elected.

Section 10. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:35 A.M.

Act No. 98-585

H. 973 – Rep. Venable

AN ACT

Relating to Elmore County; providing further for the compensation of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the first day of February 1999, the sheriff of Elmore County shall receive a salary of fifty-two thousand five hundred dollars (\$52,500) per annum. The salary provided shall be in lieu of any and all other salary, expense allowance, or compensation heretofore provided by law and shall be payable in equal monthly installments from the county general fund.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, its otherwise becoming law.

Approved May 6, 1998

Time: 8:36 A.M.

Act No. 98-586

H. 602 – Rep. Knight (A)

AN ACT

Relating to Bibb County; authorizing the county commission to provide health insurance for the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1.

Beginning with the effective date of this act, the Bibb County Commission may, by resolution, provide for the reimbursement of ~~all or a portion~~ of the cost of health insurance premiums for the members of the Bibb County Board of Registrars. Upon authorization by the resolution, the cost of reimbursement shall be paid from the county general fund in an amount not to exceed the amount of the county's contribution toward health insurance coverage provided for each regular county employee. Reimbursement to each member of the Bibb County Board of Registrars shall be made on a quarterly basis upon presentation to the Bibb County Commission of evidence of payment of the member's health insurance premiums.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4.

This act shall become effective on May 1, 1998, upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 8:38 A.M.

Act No. 98-587

H. 841 – Rep. Papucci

AN ACT

Relating to Madison County; to provide the procedure for members of the Madison County Board of Registrars to be covered under the Madison County Health Insurance Plan; to provide for the payment of the premiums for members of the board; and to require the Madison County Health Insurance Board to promulgate rules and regulations required for the effective administration of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. During their term of office, members of the Madison County Board of Registrars and their dependents shall be eligible for coverage under the Madison County Health Insurance Plan. Upon expiration of their term of office, members of the board may continue the coverage for a maximum of 36 months.

Section 2. The premiums for the insurance coverage for the members of the Madison County Board of Registrars and their dependents shall be paid as premiums for the other insured county employees.

Section 3. The Madison County Health Insurance Board shall promulgate rules and regulations required for the effective administration of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 8:38 A.M.

Act No. 98-588

H. 913 – Rep. Venable

AN ACT

Relating to Coosa County; to further provide for the compensation of the coroner and assistant coroners of Coosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Coosa County, effective at the beginning of the next term of office, and all subsequent terms of office, the compensation of the coroner shall be set by resolution of the county commission. The salary of each assistant coroner also shall be set by resolution of the county commission. The compensation shall be in lieu of any other compensation paid to the Coosa County Coroner and assistant coroners by the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 8:39 A.M.

Act No. 98-589

H. 961 – Rep. Clark (J)

AN ACT

Relating to Barbour County; to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that the system shall constitute official and permanent records in Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Barbour County. The purpose of the act is to facilitate the use of public records in property transactions in Barbour County by providing for the installation of an improved system of recording, archiving, and retrieving instruments and documents affecting the title to real and personal property that are recorded in the office of the judge of probate, and for the recording, archiving, and retrieving of other instruments, documents and other uses in the discretion of the judge of probate.

Section 2. The following words and phrases when used in this act shall have the following meanings:

(1) **GENERAL PROPERTY INSTRUMENT.** A real property instrument that affects the title to personal property as well as real property.

(2) **IMPROVED RECORDING SYSTEM.** A system of recording real property instruments and personal property instruments in the probate office and, in the discretion of the judge of probate, of recording other instruments and documents, which system when completed, will consist of the equipment necessary and suitable to record, archive, and retrieve records.

(3) **PERSONAL PROPERTY INSTRUMENT.** Any instrument or document affecting the title to personal property only, as distinguished from real property, that may be now or hereafter required to be filed or titled for record in the probate office, in accordance with the applicable requirements of the laws of this state, including, without limitation, Sections 35-4-50 and 35-4-90, Code of Alabama 1975.

(4) **REAL PROPERTY INSTRUMENT.** Includes any instrument or document affecting the title to real property that may now or hereafter be filed for record in the probate office pursuant to the applicable requirements of the laws of this state, including, without limitation, Section 12-13-43, Code of Alabama 1975, and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of judgments, and plats or maps showing the subdivision of real estate.

Section 3. The judge of probate may provide for the installation and thereafter for the maintenance of an improved recording, archiving, and retrieval system in the probate offices of Barbour County. The initial installation of the improved recording, archival, and retrieval system shall include the following:

(1) The acquisition of the equipment for an improved recording, archiving, and retrieving system.

(2) The establishment of procedures for the continued recording, archiving, and retrieving of all instruments and records that will, after the effective installation date, constitute a part of the improved recording, archiving, and retrieving system.

(3) The initial installation of the improved recording, archiving, and retrieving system shall be performed by a person or persons, firm, or corporation engaged in the records management business and experienced in setting up county records and shall be supervised and inspected by a person who is experienced in handling records pertaining to abstracts or titles. Following installation in the county, improved recording, archiving, and retrieving system shall be thereafter maintained in the county and all real property instruments, general property instruments, personal property instruments, and other documents and records herein provided to constitute a part of the system, that may be thereafter filed for record in the probate office of the county shall be in accordance with the improved recording, archiving, and retrieving system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the judge of probate of the county, in accordance with existing law, including, without limitation, Section 12-13-43, Code of Alabama 1975.

Section 4. Following the effective installation date, real property instruments, personal property instruments, and other documents and records to be recorded, archived, and retrieved with computer-generated files or to be stored and filed on either optical disk or on paper (as determined by the Barbour County Commission) shall constitute the official record of instruments for the purpose of Section 12-13-43, Code of Alabama 1975.

Section 5. All laws of Alabama relating to the recording of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records that may constitute part of an improved recording, archiving, and retrieving system installed hereunder, including, without limitation, Section 12-13-43, Code of Alabama 1975, and all statutes respecting the filing and recording of notices or statements of liens of any kind, notices of Lis Pendens, declarations of claims or

exemptions, certificates of judgement, or plats or maps showing subdivisions of real estate that are not inconsistent with this act shall continue in effect with respect to an improved recording, archiving, and retrieving system installed hereunder, the recording of instruments therein, and the duties of the judge of probate with respect thereto.

Section 6. The initial installation costs shall be paid entirely out of the special recording fees. Nothing contained in this section, however, shall prohibit the county from using any part of its own funds for the purpose of paying the costs of purchasing, operating, or maintaining, after the initial installation, any improved system installed pursuant to this act.

Section 7. Effective immediately after the date this act becomes applicable to Barbour County, a special recording and filing fee of five dollars (\$5) shall be paid to and collected by the Judge of Probate of Barbour County, with respect to each real property instrument, each personal property instrument, and each Uniform Commercial Code document that may be filed for record in the office of the judge of probate and with respect to other instruments and documents in the probate office at the discretion of the judge of probate, and on and after that date, no instrument or document shall be received for record in the office of the judge of probate unless the special recording fee of five dollars (\$5) is paid. The special recording fee shall be in addition to all other fees, taxes, and charges required by law to be paid upon the filing for record of any real property instrument, personal property instrument, or Uniform Commercial Code document, and for the recording of other instruments and documents in the probate office at the discretion of the judge of probate. All special recording fees collected shall be paid into the general fund of Barbour County. These funds shall be used at the discretion of the judge of probate for an improved recording, archiving, and retrieving system and other equipment, maintenance, and services necessary for the improvement of the office of the judge of probate.

Section 8. Effective immediately upon the date this act becomes applicable to Barbour County, any and all revenues generated either directly or indirectly due to the use of or access to the improved recording, archiving, and retrieving system shall be paid directly into the general fund of Barbour County for the use of the judge of probate.

Section 9. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:40 A.M.

Act No. 98-590

H. 962 – Rep. Clark (J)

AN ACT

Relating to Barbour County; to authorize the judge of probate to charge a fee for mailing boat licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Barbour County may issue boat licenses, pursuant to Chapter 5, Title 33, Code of Alabama 1975, by mail and may collect an additional issuance fee established by the judge of probate in an amount not to exceed two dollars (\$2) to cover the expenses of mailing the boat licenses.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:41 A.M.

Act No. 98-591

H. 833 – Rep. Ford (J)

AN ACT

Relating to Macon County; amending Act 93-875, 1993 First Special Session, relating to the Macon County Economic Development Authority; to delete the implementation prohibition regarding funding.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act 93-875, 1993 First Special Session, relating to the Macon County Economic Development Authority, is amended to read as follows:

“Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 8:42 A.M.

Act No. 98-592

H. 920 – Rep. Laird

AN ACT

Relating to Randolph County; to provide the collection and disposition of a special recording fee in the office of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply in Randolph County. The purpose of this act is to facilitate the use of public records in property transactions in Randolph County by providing for the installation of an improved system of recording, archiving, and retrieving instruments and documents affecting the title to real and personal property that are recorded in the office of the judge of probate and for the recording, archiving, and retrieving of other instruments, documents, and other uses in the discretion of the judge of probate.

Section 2. The following words and phrases, including the plural of any thereof, whenever used in this act, shall have the following respective meanings:

(1) **GENERAL PROPERTY INSTRUMENT.** A real property instrument that affects the title to personal property as well as real property.

(2) **IMPROVED RECORDING SYSTEM.** A system of recording real property instruments and personal property instruments in the probate office and, in the discretion of the judge of probate, of recording other instruments and documents, which system when completed, will consist of the equipment necessary and suitable to record, archive, and retrieve records.

(3) **PERSONAL PROPERTY INSTRUMENT.** Any instrument or document affecting the title to personal property only, as distinguished from real property, that may now or hereafter be required to be filed or titled for record in the probate office, in accordance with the applicable requirements of the laws of this state, including, without limitation, Sections 35-4-50 and 35-4-90, Code of Alabama 1975.

(4) **REAL PROPERTY INSTRUMENT.** Includes any instrument or document affecting the title to real property that may now or hereafter be filed for record in the probate office pursuant to the applicable requirements of the laws of this state, including, without limitation, Section 12-13-43, Code of Alabama 1975, and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of judgment, and plats or maps showing subdivisions of real estate.

Section 3. (a) The judge of probate may provide for the installation and thereafter for the maintenance of an improved recording, archiving, and retrieval system in the probate offices of Randolph County. The initial installation of the improved recording, archival, and retrieval system shall include the following:

(1) The acquisition of the equipment provided for in the definition set forth in this act of an improved recording, archiving, and retrieving system.

(2) Procedures for the continued recording, archiving, and retrieving of all instruments and records that will, after the effective installation date, constitute a part of the improved recording, archiving, and retrieving system.

(3) The initial installation of the improved recording, archiving, and retrieving system shall be performed by a person or persons, firm, or corporation engaged in the records management business and experienced in setting up county records.

(b) The initial installation shall be supervised and inspected by a person who is experienced in handling records pertaining to abstracts or titles.

(c) Following its installation in the county, the improved recording, archiving, and retrieving system shall maintained in the county and all real property instruments, general property instruments, personal property instruments, and other documents and records as provided in this act, shall constitute a part of the system, that may be thereafter filed for record in the probate office of the county shall be in accordance with the improved recording, archiving, and retrieving system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the judge of probate of the county, in accordance with the provisions of existing law, including, without limitation, Section 12-13-43 of the Code of Alabama 1975.

Section 4. Following the effective installation date, real property instruments, personal property instruments, and other documents and records provided herein to be recorded, archived, and retrieved with computer-generated files, to be stored and filed on either optical disk, or on paper (as determined by county), and shall constitute the official record of the instruments for the purpose of Section 12-13-43, Code of Alabama 1975.

Section 5. All laws of Alabama with respect to the recording of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records that may constitute part of an improved recording, archiving, and retrieving system installed hereunder, including, without limitation, Section 12-13-43 of the Code of Alabama 1975, and the provisions of all statutes respecting the filing and recording of notices or statements of liens of any kind, notices of Lis Pendens, declarations of claims or exemptions, certificates of judgment, or plats or maps showing subdivisions of real estate that are not inconsistent with this act shall continue in effect with respect to an improved recording, archiving, and retrieving system installed hereunder, the recording of instruments therein, and the duties of the judge of probate with respect thereto.

Section 6. The initial installation costs shall be paid entirely out of the the special recording fees. This section shall not prohibit the county from using any part of its own funds for the purpose of paying the cost of purchasing, operating, or maintaining, after the initial installation, any improved system installed pursuant to this act.

Section 7. Effective immediately after the date this act becomes applicable to Randolph County, Alabama, a special recording and filing fee of five dollars (\$5) shall be paid to and collected by the judge of probate, with respect to each real property instrument, each personal property instrument, and UCC that may be filed for record in the office of the judge of probate and, in the discretion of the judge of probate with respect to other instruments and documents in the probate office. On and after that date, no instrument and/or document shall be received for record in the office of the judge of probate unless the special recording fee of five dollars (\$5) is paid. The special recording fee shall be in addition to all other fees, taxes, and charges required by law to be paid upon the filing for record of any real property instrument, personal property instrument, or UCC, and for the recording of other instruments and documents in the probate office at the discretion of the judge of probate. Any, all, or none of the special recording fee may be charged, in the discretion of the judge of probate. All special recording fees so collected shall be paid into a special fund of the judge of probate. These funds shall be used at the discretion of the judge of probate for an improved recording, archiving, and retrieving system and/or other equipment, maintenance, and services necessary for the improvement of the office of the judge of probate. The fee may be adjusted from time to time by the Randolph County Commission.

Section 8. Effective immediately upon the date this act becomes applicable to Randolph County, Alabama, a special transaction fee of two dollars (\$2) shall be paid to and collected by the judge of probate with respect to every transaction occurring in, or under the jurisdiction of the judge of probate. This amount shall be in addition to all other costs and fees heretofore collected. The additional fee shall be paid into the special fund of the judge of probate as created in Section 7 of this act.

Section 9. Effective immediately upon the date this act becomes applicable to Randolph County, Alabama, any and all revenues generated either directly or indirectly due to the use of or access to the improved recording, archiving, and retrieving system shall be paid directly into the aforementioned special fund of the judge of probate created by the above section. These funds shall be used at the discretion of the judge of probate.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:43 A.M.

Act No. 98-593

H. 985 – Reps. Morrison and Drake

AN ACT

Relating to Cullman County; authorizing the judge of probate to deposit monies collected from vending machines and fees for copying documents into a special probate fund; and providing for the distribution and audit of the proceeds from the fund.

Be It Enacted by the Legislature of Alabama:

Section 1 (a) The Judge of Probate of Cullman County or the authorized agent of the judge of probate may install vending machines and collect money from the vending machines and charge and collect fees for copying documents in his or her office.

(b) The judge of probate shall establish and maintain a Special Probate Fund in a bank located in Cullman County. All proceeds collected under this act shall be deposited by the judge of probate into the Special Probate Fund.

(c) The judge of probate shall keep an account of all monies deposited into the Special Probate Fund. The Special Probate Fund shall be audited at the same time other accounts of the judge of probate are audited. The Department of Examiners of Public Accounts shall submit a copy of the audit to the judge of probate within 30 days of its completion.

(d) All profits realized from the vending machines and copying fees shall be expended at the discretion of the judge of probate for the operation of the probate office.

(e) The establishment of the Special Probate Fund and the use of its proceeds shall not diminish or take the place of any other source of income established for the judge of probate or the operation of the probate office.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:44 A.M.

Act No. 98-594

H. 979 – Rep. Vance

AN ACT

Relating to Russell County; providing for the compensation and expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Russell County.

Section 2. (a) Beginning with the next term of office, the coroner shall receive a monthly salary of one thousand dollars (\$1,000).

(b) Effective the first day of the month following the effective date of this act, the coroner shall receive a monthly expense allowance of one thousand dollars (\$1,000).

(c) The salary and expense allowance paid to the coroner pursuant to this section shall be paid from the county general fund and shall be in lieu of any salary or expense allowance previously provided by law.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:45 A.M.

Act No. 98-595

H. 918 – Reps. Gipson and Wren

AN ACT

Relating to Elmore County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply to Elmore County.

Section 2. As used in this act, state sales and use tax means the tax imposed by the state sales and use tax statutes, including, but not limited to, Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62, and 40-23-63 of the Code of Alabama 1975.

Section 3. The County Commission of Elmore County may levy, in addition to all other taxes, including, but not limited to, municipal gross receipts license taxes, a one cent privilege license tax against gross sales or gross receipts.

The gross receipts of any business and the gross proceeds of all sales which are presently exempt under the state sales and use tax statutes are exempt from the tax authorized by this act.

Notwithstanding the foregoing, the privilege license tax authorized by this act shall be 0.10 percent on the gross sales or gross proceeds of the sale at retail of any automotive vehicle, truck trailer, semitrailer, house trailer, machinery used in mining, quarrying, compounding, processing, or manufacturing tangible personal property or used in connection therewith, machinery or equipment used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms.

Section 4. The tax levied by this act shall be collected by the State Department of Revenue at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all the sales and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department may require. Any person subject to the tax levied by this act may defer reporting credit sales until after their collection, and in the event the person defers reporting them, the person shall thereafter include in each monthly report all credit collections made during the preceding month, and shall pay the tax due at the time of filing the report. All reports filed with the department under this section shall be available for inspection by the county commission, or its designee.

Section 5. Each person engaging or continuing in a business subject to the tax levied by this act, shall add to the sales price or admission fee and collect from the purchaser or the person paying the

admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for any person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required to be added to the sale or admission price. It shall be unlawful for any person subject to the tax levied by this act to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of any portion of the tax.

Section 6. The tax levied by this act shall constitute a debt due Elmore County. The tax, together with any interest and penalties, shall constitute and be secured by a lien upon the property of any person from whom the tax is due or who is required to collect the tax. The department shall collect the tax, enforce this act, and have and exercise all rights and remedies that the state or the department has for collection of the state sales and use tax. The department may employ special counsel as is necessary to enforce collection of the tax levied by this act and to enforce this act. The department shall pay the special counsel any fees it deems necessary and proper from the proceeds of the tax collected by it for Elmore County.

Section 7. All provisions of the state sales and use tax statutes with respect to the payment, assessment, and collection of the state sales and use tax, making of reports, keeping and preserving records, penalties for failure to pay the tax, promulgating rules and regulations with respect to the state sales and use tax, and the administration and enforcement of the state sales and use tax statutes which are not inconsistent with this act shall apply to the tax levied under this act. The State Commissioner of Revenue and the department shall have and exercise the same powers, duties, and obligations with respect to the tax levied under this act that are imposed on the commissioner and department by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this act to the tax levied under this act, and to the administration and enforcement of this act, are incorporated by reference and made a part of this act as if fully set forth herein.

Section 8. The department shall charge Elmore County for collecting the tax levied under this act in an amount or percentage of total collections as may be agreed upon by the commissioner and the Elmore County Commission. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due Elmore County for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this act, as the tax is received by the department on or before the first day of each successive month. The commissioner shall certify to

the State Comptroller the amount collected and paid into the State Treasury for the benefit of Elmore County during month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the County Treasurer of Elmore County in an amount equal to the certified amount which shall be paid into the county general fund with one-half of that amount to remain in the county general fund and the balance to be distributed proportionately to the Elmore County Board of Education and Tallassee City Board of Education.

Section 9. Sections 1 to 8, inclusive, of this act shall become operative only if approved by a majority of the qualified electors of Elmore County who vote in an election to be held on the day of the June 1998 first primary election. The notice of the election shall be given by the judge of probate, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The question shall be:

"Do you favor the adoption of Act _____, of the 1998 Regular Session of the Alabama Legislature providing for the distribution of a one cent sales and use tax as follows: One-half to the county general fund and the balance to be distributed proportionately to the Elmore County Board of Education and the Tallassee City Board of Education? Yes () No ()."

The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are "Yes," Sections 1 to 8, inclusive, of this act shall become operative upon the expiration of Act 92-508. If the majority of the votes are "No," this act shall be repealed and shall have no further effect. The Judge of Probate of Elmore County shall certify the results of the election to the Secretary of State.

Section 10. In the event a majority of voters participating in the referendum pursuant to Section 9 approve the tax authorized by this act, the Elmore County Commission shall submit an identical referendum to the voters for the continued ratification of the tax on the date of the 2002 general election and at the general election every four years thereafter. If the tax is not ratified by a majority of voters casting ballots in any referendum, the tax shall not be collected after the last day of the month in which the election is held.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 8:46 A.M.

Act No. 98-596

H. 819 – Rep. Vance

AN ACT

Relating to Russell County; authorizing the Russell County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, and other litter, including discarded tires, within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards and similar establishments; and to provide for the annual license fee for the privilege of operating a junkyard and similar establishments in the unincorporated area of the county under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The regulation of the accumulation and storage of junk, and other litter, including, but not limited to, discarded tires, within the unincorporated areas of Russell County, and licensing the operation of junkyards and similar establishments within the unincorporated areas of Russell County is hereby declared to be in the public interest and necessary to promote the public safety, health, welfare, convenience, and enjoyment of public travel; to protect the public investment in public highways; to preserve and enhance the scenic beauty of lands and the environment; and to promote the conservation of natural mineral resources by encouraging recycling. The Legislature finds and declares that within the unincorporated areas of Russell County the accumulation and storage of junk, and other litter, including, but not limited to, discarded tires, and the operation of junkyards, any of which do not conform to the requirements of this act, are a public nuisance.

Section 2. (a) It is unlawful and constitutes a public nuisance for the owner or other person in charge or in control of a building, lot, junkyard, or other premises, within the unincorporated territory of Russell County to fail to keep the lot, junkyard, or premises clean and free from junk, and litter, including, but not limited to, discarded tires, and any materials within which water may accumulate or which may shelter or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the esthetics of the community, and which thereby cause a substantial diminution in the value of other property nearby or which threaten the health and safety of any citizen.

(b) This act shall not apply to any company, corporation, or business currently operating, whose primary purpose or business is to burn or incinerate wood materials, salvage materials, building refuse, waste products, timber stumps, trees, or brush and other debris that results from clearing land, cutting timber, or refurbishing or constructing buildings. This act shall not apply to

farm buildings or farm equipment and farm materials stored around farm buildings on a farm.

Section 3. (a) No person shall establish, operate, or maintain a junkyard or similar establishment containing any items listed in Section 1 of this act, but not limited to those items, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any highway, road, street, or alley without obtaining a county license to do so from the county commission through the county license commissioner or other like official. No license shall be granted except for those junkyards or similar establishments which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the highway. The operation of an unlicensed junkyard or similar establishment required to be licensed pursuant to this section constitutes a public nuisance.

(b) The county commission shall adopt regulations and requirements for issuing licenses for the operation of junkyards or similar establishments within the limits defined in this act, and may revoke the licenses at any time a junkyard or similar establishment fails to conform to the requirements of this act, and shall charge a license fee of not more than one thousand dollars (\$1,000) nor less than one hundred dollars (\$100) payable each fiscal year. This license fee shall be in addition to the license fee required under Section 23-1-244, Code of Alabama 1975, and any other license fee or tax required by law. All licenses issued under this act shall expire on September 30 following the date of issue. Licenses may be renewed from year to year upon payment of the fee. Proceeds from the fees shall be deposited in the general fund of the county.

Section 4. (a) This act shall be enforced by the Russell County Commission.

(b) The Russell County Commission may commence a civil action in the name of the Russell County Commission in the Circuit Court of Russell County, Alabama, to abate or enjoin any public nuisances declared by this act. In any action pursuant to this subsection, the Circuit Court of Russell County, Alabama, is authorized to assess all costs of abating the public nuisance declared by this act, including attorney's fees, court costs, and all other expenses of litigation, and including all costs of and expenses for abating, remedying, or cleaning-up the source or cause of the public nuisance, against the person or entity creating or maintaining the public nuisance.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 8:47 A.M.

Act No. 98-597

H. 967 – Rep. Box

AN ACT

To alter and rearrange the boundary lines and corporate limits of the municipalities of Mobile and Saraland in Mobile County; to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipalities of Mobile and Saraland in Mobile County are altered, rearranged, and extended to include within the corporate limits of the municipality of Saraland, in addition to the lands now included, all of the following territory, which lands are deannexed and removed from within the boundary lines and corporate limits of the municipality of Mobile: Commencing at the Southeast corner of Section 2, T3S-R1W, Mobile County, Alabama; thence along the East boundary of said Section 2, T3S-R1W run N 01 degrees 35' 03" E 1179.30 feet to a point on the South boundary of Tract "A", Mobile River Coal Handling Facility, Inc., as per instrument from Jacintoport Corporation to Mobile River Coal Handling Facility, Inc., dated June 1, 1976 and the North boundary of United Gas Pipe Line right-of-way; said point being the point of beginning of the property herein described; thence along said South boundary of Tract "A", Mobile River Coal Handling Facility, Inc., and said North boundary of United Gas Pipe Line right-of-way run S 89 degrees 02' 57" E 268.44 feet to a point; thence continuing along said South boundary of Tract "A", Mobile River Coal Handling Facility, Inc., and said North boundary of United Gas Pipe Line right-of-way run S 89 degrees 35' 57" E 1817.84 feet to a point; thence continuing along said South boundary of Tract "A", Mobile River Coal Handling Facility, Inc., and said North boundary of United Gas Pipe Line right-of-way run N 00 degrees 24' 03" E 113.90 feet to a point; thence continuing along said South boundary of Tract "A", Mobile River Coal Handling Facility, Inc., and said North boundary of United Gas Pipe Line right-of-way run 70 degrees 36' 03" E 965.33 feet to a point on the West line of a 25 foot Phillips Petroleum Company easement; thence along said West line of the 25 foot Phillips Petroleum Company easement run S 01 degrees 12' 36" W 3948.37 feet to a point on the North boundary of the property now or formerly of Southern Railway System; thence along said North boundary of Southern Railway System property run N 89 degrees 42' 59" W 8150 feet, more or less, to a point on the East line of Section 10,

T3S-R1W, Mobile County, Alabama; said point also being on the present corporate limits of the City of Saraland; thence along said West corporate limits of the City of Saraland and along the East line of Sections 10 and 3, T3S-R1W run Northwardly 6850 feet to a point on the centerline of Norton's Creek; thence along the meandering of said centerline of Norton's Creek and along the meandering of the centerline Bayou Sara run Northeastwardly 6850 feet, more or less, to a point on the Northward projection of the West boundary of the aforementioned Tract "A", Mobile River Coal Handling Facility, Inc.; thence along said Northward projection of and the West boundary of Tract "A", Mobile River Coal Handling Facility, Inc., run S 01 degrees 35' 03" W 4650 feet, more or less, to the Southwest corner of said Tract "A", Mobile River Coal Handling Facility, Inc., thence along the South line of said Tract "A", Mobile River Coal Handling Facility, Inc., and said North boundary of United Gas Pipe Line right-of-way run S 89 degrees 02' 57" E 875.05 feet to the point of beginning. Containing 1,081 acres, more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be deannexed from the municipality of Mobile and annexed into the municipality of Saraland is on file in the office of Judge of Probate in Mobile County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. This act shall not become effective if either the city council of Mobile or Saraland rejects this act by resolution duly adopted no later than thirty days next following the date of its passage and approval by the Governor or its otherwise becoming a law.

Approved May 6, 1998

Time: 8:48 A.M.

Act No. 98-598

H. 911 – Rep. Vance

AN ACT

Relating to Russell County; providing for the levy of an additional recording fee upon documents filed for record with the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the authority granted by Amendment 380 of the Constitution of Alabama of 1901 and subsection (d) of Section 12-19-90, Code of Alabama 1975, in Russell County, a recording fee of four dollars (\$4) shall be paid to the county and collected by the judge of probate, with respect to each instrument that may be filed for record in the office of the judge of probate. No instrument shall be received for record in the office of the judge of probate unless the recording fee of

four dollars (\$4) is paid. The recording fee shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the filing for record of any instrument in the probate office. All recording fees so collected shall be deposited by the judge of probate to the county depository for Russell County, accumulated for the purpose of modernizing the records and record keeping of the probate office, and spent at the discretion of the judge of probate. The recording fees collected are not to be used to offset the cost to the county general fund for the general operation of the probate office unless the judge of probate, at his or her sole discretion, declares the funds, or some portion thereof, to be in excess of the amounts needed for the purpose of modernization.

Section 2. This act shall be effective for only five years unless extended by request of the judge of probate and approved by a resolution of the county commission for periods of not less than one year and not more than four years.

Section 3. The fees collected under this act shall be controlled by the sole discretion of the judge of probate and shall be audited by the Examiners of Public Accounts.

Section 4. This act shall become effective immediately after its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:49 A.M.

Act No. 98-599

H. 914 – Rep. Venable

AN ACT

Relating to Coosa County; amending Section 4 of Act 97-878 of the 1997 First Special Session (Acts 1997 First Special Session, p. 231), establishing a process for cost-of-living salary increases for certain county-elected officials, to delete the chair and members of the county commission from coverage under this provision.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act 97-878 of the 1997 First Special Session (Acts 1997 First Special Session, p. 231), is amended to read as follows:

Section 4. “Section 4. “County-elected official” means the judge of probate, the sheriff, and the revenue commissioner.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:50 A.M.

Act No. 98-600

S. 185 – Senator Butler

AN ACT

To exempt purchases by contractors of tangible personal property used in constructing industrial development property which qualify for a tax abatement from state and local sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other laws, the gross proceeds of the sale to, or the storage, use, or consumption by, any contractor of any tangible personal property to be incorporated into a private use industrial development property or major addition for which a private user is granted a valid abatement of construction related transaction taxes pursuant to Chapter 9B of Title 40 shall be exempt from all state and local sales and use taxes, except those county and municipal sales and use taxes levied for educational purposes or for capital improvements for education. This exemption shall not apply to any purchases of tangible personal property by a contractor which would not also be exempt if purchased by a private user who has been granted a valid abatement of construction related transactions taxes pursuant to Chapter 9B of Title 40. The definitions contained in Section 40-9B-3 are incorporated by reference herein.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:15 A.M.

Act No. 98-601

S. 374 – Senator Mitchem

AN ACT

Relating to the Child Abuse and Neglect Prevention Act, to amend Sections 26-16-2, 26-16-3, 26-16-6, 26-16-9, and 26-16-10, Code of Alabama 1975; to further provide for definitions, salary and duties of the director, duties of the board, distribution of funds, and criteria for making grants.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 26-16-2, 26-16-3, 26-16-6, 26-16-9, and 26-16-10, Code of Alabama 1975, are amended to read as follows:

“§26-16-2.

“(a) As used in this article, the following words and phrases shall have the meanings herein ascribed to them:

“(1) CHILD. A person under 18 years of age.

“(2) CHILD ABUSE. Harm or threatened harm to a child’s health or welfare by a person responsible for the child’s health or welfare, which harm occurs or is threatened through nonaccidental physical or mental injury; sexual abuse, which includes a violation of any provision of Chapter 6, Article 4, Title 13A.

“(3) CULTURAL COMPETENCY. The ability of an individual or organization to understand and act respectfully toward, in a cultural text, the beliefs, interpersonal styles, attitudes, and behaviors of persons and families of various cultures, including persons and families of various cultures who participate in services from the individual or organization and persons of various cultures who provide services for the individual or organization.

“(4) LOCAL COUNCIL. An organization which meets the criteria described in Section 26-16-10.

“(5) NEGLECT. Harm to a child’s health or welfare by a person responsible for the child’s health or welfare which occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.

“(6) ORGANIZATION. A nonprofit organization or a public agency which provides or proposes to provide child abuse and neglect prevention, early intervention services, or parent education.

“(7) PREVENTION PROGRAM. A system of direct provision of child abuse and neglect prevention services to a child, parent, or guardian.

“(8) STATE BOARD. The State Child Abuse and Neglect Prevention Board created in Section 26-16-3.

“(9) TRUST FUND. The children’s trust fund established in the state treasury.

“§26-16-3.

“(a) The State Child Abuse and Neglect Prevention Board is created as an autonomous agency of the state government.

“(b) There shall be an executive director of the state board, appointed by the Governor from a list of candidates submitted under Section 26-16-6(a)(2) of this article. The executive director shall not be a member of the state classified civil service. The executive director

shall be compensated by a salary payable out of the state treasury at the times and in the manner that the salary of other state officials is paid. The exact amount of the executive director's salary shall be set by the board.

“(c) The executive director shall hire all staff required to exercise the powers and carry out the duties of the state board. In carrying out the duties provided in subdivisions (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), and subsection (b) of Section 26-16-6, the executive director shall coordinate these activities with the State Department of Human Resources, the Department of Mental Health and Mental Retardation, the Department of Public Health, the Department of Education, the Department of Public Safety, and other state agencies as needed. The executive director with the approval of the state board shall have the authority to hire outside the state classified civil service an executive assistant who shall serve at the pleasure of the executive director. The state board shall approve the number of staff members hired and their job descriptions and further shall set the rate of pay or compensation due the executive assistant. Each staff member except the executive director and his executive assistant shall be a member of the state classified civil service.

“§26-16-6.

“(a) The state board shall do all of the following:

“(1) Meet not less than twice annually at the times prescribed in Section 26-16-5(a), above.

“(2) Transmit to the Governor a list of individuals recommended to fill the position of executive director.

“(3) One year after the original appointment of the state board, and annually thereafter, develop a state plan for the distribution of funds from the trust fund. The plan shall assure that an equal opportunity exists for establishment of prevention programs and receipt of trust fund money among all geographic areas in this state. The plan shall be transmitted to the Speaker of the House, the President Pro Tempore of the Senate, to the Governor, and to the ways and means committee of the house of representatives and the finance and taxation committee of the senate.

“(4) Provide for the coordination and exchange of information on the establishment and maintenance of local councils and prevention programs.

“(5) Develop and publicize criteria for the receipt of trust fund money by eligible local councils, eligible prevention programs, and eligible family resource and support programs and centers.

“(6) Review, approve, and monitor the expenditure of trust fund money by local councils and prevention programs.

“(7) Provide statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect; encourage professional persons and groups to recognize and deal with problems of child abuse and neglect; make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and encourage the development of community prevention programs and family resource and support programs and centers.

“(8) Establish a procedure for the annual, internal evaluation of the functions, responsibilities, and performance of the state board, and include the evaluation in the state plan.

“(b) The state board shall enter into contracts with public or private agencies to fulfill the requirements of subdivision (a)(7) and may contract to fulfill the other requirements of subsection (a).

“§26-16-9.

“(a) The state board may authorize the disbursement of available money from the trust fund exclusively for the following purposes, which are listed in the order of preference for expenditure:

“(1) To fund a private nonprofit or public organization in the development or operation of a program if at least all of the following conditions are met:

“a. The appropriate local council has reviewed the program. This paragraph does not apply if a local council does not exist for the geographic area to be served by the program.

“b. The organization demonstrates an ability to match, through money or in-kind services, 50 percent of the amount of any trust fund money received. Not more than 50 percent of the local match shall be in in-kind services. In-kind services are subject to the approval of the state board.

“c. The organization demonstrates a willingness and ability to provide program models and consultation to organizations and communities regarding program development and maintenance.

“d. The organization demonstrates the ability to provide programs for the primary prevention of child abuse and neglect, including, but not limited to, programs to promote public awareness of the need to prevent child abuse and neglect; community-based family resource and support programs on strengthening family skills, including, but not limited to, parent education, prenatal care, prenatal bonding, child development, health and nutrition, care of children

with special needs, and coping with family stress; and community-based programs relating to crisis care, early identification of children at risk of child abuse and neglect, and education, training, and support groups for parents, children, and families.

“e. Other conditions that the state board may deem appropriate.

“(2) To fund local councils.

“(3) To fund the state board created in Section 26-16-3 for the actual and necessary expenses that the board incurs in performing its duties.

“(b) Authorizations for disbursement of trust fund money under subdivision (a)(3) shall be kept at a minimum in furtherance of the primary purpose of the trust fund which is to disburse money under subdivisions (a)(1) and (2) to encourage the direct provision of services to prevent child abuse and neglect.

“§26-16-10.

“In making grants to a local council, the state board shall consider the degree to which the local council meets the following criteria:

“(1) Has as its primary purpose the development and facilitation of a collaborative community prevention program in a specific geographical area. The prevention program shall utilize trained volunteers and existing community resources wherever practicable.

“(2) Is administered by a board of directors composed of an equal number of members from the following two groups:

“a. A representative from each of the following local agencies: the county department of human resources, the county public health department, a mental health representative, the office of the prosecuting attorney, a local law enforcement agency, a school district, and a number of private, local agencies that provide treatment or prevention services for abused and neglected children and their parents or guardians. The number of private agencies to be represented on the local council shall be designated in the bylaws of the local council by the remaining members.

“b. Members of the local council elected by the membership. The elected members shall represent the demographic composition of the community served, as far as practicable.

“(3) Does not provide direct services except on a demonstration project basis, or as a facilitator of interagency projects.

“(4) Demonstrates a willingness and ability to provide prevention program models and consultation organizations and communities regarding prevention program development and maintenance.

“(5) Demonstrates an ability to match, through money or in-kind services, 50 percent of the amount of any trust fund money received. Not more than 50 percent of the local match shall be in in-kind services. In-kind services are subject to the approval of the board.

“(6) Other criteria that the state board deems appropriate.”

Section 2. This act shall become effective on first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:51 A.M.

Act No. 98-602

S. 557 – Senator Barron

AN ACT

To amend Sections 37-6-40 and 37-6-42 of the Code of Alabama 1975, relating to rural telephone service; to allow electric cooperatives to provide commercial mobile radio services to its customers and other persons; to modify the definition of rural service area; and to eliminate the prohibition against the duplication of telephone service in rural areas.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 37-6-40 and 37-6-42 of the Code of Alabama 1975, are amended to read as follows:

“§37-6-40.

“For the purposes of this article, the following terms shall have the meanings respectively ascribed to them by this section:

“(1) **RURAL AREA.** Any area within this state not included within the boundaries of any incorporated or unincorporated city, town, village or borough having a population in excess of 25,000 inhabitants according to the last preceding federal census, prior to the time service was commenced.

“(2) **TELEPHONE SERVICE.** Any communication service, including, without limitation, all telephone lines, facilities or systems used in the rendition of such service.

“For purposes of providing wireless communications services, including, without limitation, services classified as of January 1, 1997, as “commercial mobile radio services” by the FCC, the term “rural area” shall include all of the territory for which the electric cooperative is authorized to provide wireless service under federal law or regulations.

“§37-6-42.

“(a) Any such electric cooperative shall have power:

“(1) To supply telephone service in rural areas to its members, to governmental agencies and political subdivisions, to other persons and to business entities not in excess of 40 percent of the number of its members; provided that wireless communications services, including, without limitation, services classified as of January 1, 1997, as “commercial mobile radio services” by the Federal Communications Commission may be provided to any person, firm, corporation, governmental agency, or political subdivision within any area for which the electric cooperative is authorized to provide such wireless service under federal law or regulations, without the business entity being a member of the cooperative regardless of whether the business entity is in excess of 40 percent of the number of its members, and, without limiting the foregoing, should a cooperative acquire any facilities in rural areas supplying telephone service to persons in rural areas, it may, for the purpose of continuing such service and avoiding hardship and to an extent which together with all other persons receiving telephone service on a nonmember basis shall not exceed 50 percent of the total number of persons receiving telephone service, continue to serve the persons served directly from the facilities at the time of the acquisition without requiring that persons become members and provided further that no electric service shall be furnished contrary to the provisions of Sections 37-14-1 through 37-14-17 or Sections 37-14-30 through 37-14-40, Code of Alabama 1975, as amended.

“(2) To construct, purchase, take, receive, lease as lessee or otherwise acquire, and to own, hold, use, equip, maintain, and operate, to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge or otherwise dispose of or encumber telephone lines, facilities, or systems, lands, buildings and structures, plants and equipment, and any and all kinds and classes of real or personal property whatsoever which shall be deemed necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized; provided, however, that no electric cooperative organized and no corporation converted into an electric cooperative, under Article 1 of this chapter, shall construct, purchase, take, receive, lease as lessee, or otherwise acquire or maintain or operate any telephone lines, facilities, plants, or systems, other than telephone lines, facilities, plants, or systems used to provide wireless communications services, in any area other than a rural area as defined by this article.

“(3) To make any and all contracts necessary or convenient for the full exercise of the powers granted in this article, including, but not limited to, contracts with any person, firm, corporation, federal agency, or municipality for connections of telephone lines, facilities, or systems and in connection with any contract to stipulate and agree to covenants, term, and conditions as the board of trustees

may deem appropriate, including covenants, terms and conditions with respect to rates, financial and accounting methods, services, operation and maintenance practices, and, consistent with Section 37-6-20, the manner of disposing of the revenues of the properties operated and maintained by the cooperative; to construct, maintain, and operate telephone lines along, upon, under, and across all public thoroughfares, including without limitation all roads, highways, streets, alleys, bridges, and causeways, and upon, under, and across all publicly owned lands; provided, however, that the respective authorities having jurisdiction thereof shall consent thereto; provided further, that said construction, maintenance, and operation of the telephone lines shall be in the manner and according to the specifications as will avoid interference with, or hazards to, existing communication lines; to exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating telephone lines, facilities, or systems; provided, however, that, notwithstanding Section 37-6-27, cooperatives organized and corporations converted into cooperatives under Article 1 of this chapter for the purpose of supplying the telephone service shall, as relates to that part or portion of their business devoted to the supplying of telephone service under this article, be subject to the jurisdiction of the Alabama Public Service Commission to the same extent, in the same manner, and in every respect as are existing telephone companies.

“(b) Any cooperative organized under or furnishing telephone service pursuant to this article shall have the right to interconnect its lines, facilities or systems with the lines, facilities or systems of any person, firm or corporation furnishing telephone service to the public in this state and any person, firm or corporation furnishing telephone services to the public in this state shall have the right to interconnect its lines, facilities or systems with those of any cooperative furnishing telephone services under this article, in order to provide a continuous line of communication for all telephone subscribers. Any such interconnection shall be pursuant to the same terms and conditions regardless of whether initiated by the cooperative or other telephone or telecommunications supplier, with compensation to be the same or based on methodology designed to recover the reasonable costs of the respective parties; provided, however, that nothing herein shall effect arrangements in place at the time of the effective date of this amendment. If a person, firm or corporation and the cooperative shall be unable to agree upon the terms and conditions of such interconnection, including compensation therefor, the Alabama Public Service Commission shall establish the terms and conditions, which shall be reasonable and nondiscriminatory.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 8:52 A.M.

Act No. 98-603

S. 418 – Senator Myers

AN ACT

To amend Section 9-13-11 of the Code of Alabama 1975, relating to the State Forestry Commission and the issuance of burn permits, to further provide that danger from smoke may be considered by the State Forester in issuing fire alerts and that smoke may be considered in revoking a burn permit due to weather.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-13-11 of the Code of Alabama 1975, is amended to read as follows:

“§9-13-11.

“(a) It shall be a Class C felony for every person, firm, association, or corporation who:

“(1) Willfully, maliciously or intentionally burns, sets fire to, or causes to be burned or any fire to be set to any forest, grass, woodlands, or other inflammable vegetation on any lands not owned, leased, controlled, or in the lawful possession of the person, firm, association, or corporation setting such fire or burning such lands or causing such fire to be set or lands to be burned;

“(2) Shall have in his or her possession or shall set, throw or place any device, instrument, or paraphernalia in or adjacent to any forest, grass, woodlands, or other inflammable vegetation, which forest, grass, woodland or other inflammable vegetation is not owned, leased, controlled, or in the lawful possession of the person possessing such device, instrument, or paraphernalia;

“(b) It shall be a Class B misdemeanor for any person, firm, association, or corporation:

“(1) Who allows a fire to escape from land owned, leased, or controlled by him or her, whereby any property of another is injured or destroyed;

“(2) Who shall burn any brush, stumps, logs, rubbish, fallen timber, grass, stubble, or debris of any sort, whether on one’s own

land or that of another, without taking reasonably necessary precautions, both before lighting the fire and all times thereafter to prevent the escape thereof;

“(3) Who shall set fire to any brush, stumps, logs, rubbish, fallen timber, grass, stubble, or debris of any sort within or near any forest or woodland, unless the area surrounding said material to be burned shall be cleared of all inflammable material for a reasonably safe distance in all directions and maintained free of all inflammable material so long as such fire shall continue to burn;

“(4) Who shall set a fire within or near any forest, woodland, or grassland without clearing the ground immediately around it free from material which will carry fire, or shall leave such fire before it is totally extinguished or start a fire in any forest, woodland, or grassland by throwing away a lighted cigar, cigarette, match or by the use of firearms or in any other manner and leave the same unextinguished;

“(5) Who shall destroy, remove, injure, or deface any fire warning or notices or deface any inscription or devices comprising such notices;

“(6) Who shall burn any new ground, field, grasslands, or woodlands, or adjoining woodlands or grasslands of another within any area which has been placed under organized forest fire protection by the state forestry commission without first obtaining verbal authorization from the state forestry commission by obtaining a burning permit number.

“(c) (1) Burning permits may be obtained from the district operations center when the center is in active operation. The following criteria must be met:

“a. The person requesting the permit must have adequate tools, equipment, and manpower to stay with and control the fire during the entire burning period.

“b. The person requesting the permit is responsible to keep the fire confined.

“c. In no case will the person requesting the permit allow the fire to be unattended until it is dead out.

“(2) Burning permits will be issued if the individual requesting the permit states that the above criteria will be met unless the state forester shall declare a fire alert. Under fire alert conditions the state forester may allow issuance of permits at his or her discretion, taking into account the number of fires burning in the district, current and projected weather conditions, the ability of the person seeking the

permit to contain the fire and that individual's knowledge of fire behavior, and other factors which may affect fires and fire behavior. A fire alert will be issued by the state forester for any district or portion of a district that in the opinion of the state forester, has existing conditions which produce extraordinary danger from fire or smoke.

"(3) If subsequent to issuance of a permit a lawfully authorized fire escapes to the lands of another and an investigation reveals that the permit holder did not meet all the criteria as set forth above, the fire will be treated as if no legal authorization had been obtained.

"(4) A burning permit once issued may be revoked if the person requesting the permit fails to comply with proper burning procedures or if weather conditions develop which may result in erratic fire or smoke behavior.

"(d) An area shall be deemed legally placed under organized forest fire protection by the state forestry commission of the state of Alabama upon proclamation of the state forester. Such proclamation shall describe the lands placed in said area and shall be published once a week for two consecutive weeks in a newspaper published in the county where the lands composing said area are located. If there are no newspapers published in the county where said lands are located, then said proclamation shall be published in a newspaper of an adjoining county. In the event the lands composing said area are located in more than one county, such proclamation shall be so published in a newspaper in each county where said lands are located. Beginning with the twelfth day after the first publication of said proclamation in said newspaper or newspapers, the lands described in the proclamation shall be deemed in an area under organized forest fire protection. Upon the trial of any person, firm, or corporation for the violation of any provision of this section, a certified copy of said proclamation executed by the state forester shall be admissible in evidence and shall be conclusive evidence of the fact that the lands described in said proclamation constitute an area under organized forest fire protection within the meaning of this section.

"(e) All moneys collected for any violation of this section as fines, forfeitures, etc., shall go to the Alabama forestry commission fund and shall be used in defraying the expense of the administration of such state forestry commission."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:53 A.M.

Act No. 98-604

S. 451 – Senator Lindsey

AN ACT

To amend Sections 34-24-290, 34-24-292, and 34-24-293, Code of Alabama 1975, relating to assistants to physicians; requiring licensure and registration of assistants to physicians by the Board of Medical Examiners; providing for annual license renewal; making it a crime to practice as an assistant to physician without a license; and providing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-24-290, 34-24-292, and 34-24-293, Code of Alabama 1975, are amended to read as follows:

“§34-24-290.

“For the purposes of this article, the following words and phrases shall have the following meanings:

“(1) **APPROVED PROGRAM.** A program for the education and training of assistants to physicians which has been formally approved in writing by the board.

“(2) **ASSISTANT TO PHYSICIAN.** A person who is a graduate of an approved program, is licensed by the board, and is registered by the board to perform medical services under the supervision of a physician approved by the board to supervise the assistant.

“(3) **BOARD.** The Board of Medical Examiners of the State of Alabama.

“(4) **LEGEND DRUG.** Any drug, medicine, chemical or poison, bearing on the label the words, “Caution, Federal Law prohibits dispensing without prescription” or similar words indicating that the drug, medicine, chemical or poison may be sold or dispensed only upon the prescription of a licensed medical practitioner, except that the term legend drug shall not include any drug, substance or compound which is listed in Schedules I through V of the Alabama Uniform Controlled Substances Act.

“(5) **PHYSICIAN.** A person who is licensed to practice medicine in this state and is approved by the board to supervise assistants to physicians.

“(6) **PHYSICIAN SUPERVISION.** A formal relationship between a licensed assistant to a physician and a licensed physician under which the assistant to the physician is authorized to practice as evidenced by a written job description approved in accordance with this article. Physician supervision requires that there shall be at all times a direct continuing and close supervisory relationship between

the assistant to the physician and the physician to whom that assistant is registered. The term supervision does not require direct on-site supervision of the assistant to the physician; however, it does require the professional oversight and direction as may be required by the regulations and guidelines of the Board of Medical Examiners.

“(7) **PRESCRIBE or PRESCRIBING.** The act of issuing a written prescription for a legend drug.

“(8) **PRESCRIPTION.** An order for a legend drug which is written and signed by an assistant to a physician authorized to prescribe and administer the drugs and which is intended to be filled, compounded, or dispensed by a pharmacist.

“(9) **TRAINEE.** A person who is currently enrolled in an approved program in this state.

“§34-24-292.

“(a) Notwithstanding any other provision of law, a licensed assistant to a physician may perform medical services when the services are rendered under the supervision of a licensed physician or physicians approved by the board; except, that no medical services may be performed under this article except under the supervision of an ophthalmologist in the office in which the physician normally actually practices his or her profession and nowhere else in any of the following areas:

“(1) The measurement of the powers or range of human vision or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general or the fitting or adaptation of lenses or frames for the aid thereof.

“(2) The prescribing or directing the use of or using any optical device in connection with ocular exercises, visual training or orthoptics.

“(3) The prescribing of contact lenses for or the fitting or adaptation of contact lenses to the human eye. Nothing in this section shall preclude the performance of routine visual screening.

“(b) In the performance of any medical service contemplated by this article, an assistant to a physician shall be conclusively presumed to be the agent, servant or employee solely of the licensed physician or physicians under whose supervision he or she performs the service, and no other person, firm, corporation or other organization shall be held liable or responsible for any act or omission of the assistant arising out of the performance of the medical service.

“(c) A licensed assistant to a physician registered to a licensed physician practicing under a job description approved in the manner

prescribed by this article may prescribe legend drugs to patients, subject to both of the following conditions:

“(1) The drug type, dosage, quantity prescribed, and number of refills shall be authorized in an approved job description signed by the physicians to whom the assistant is registered.

“(2) The drug shall be on the formulary approved under the guidelines of the Board of Medical Examiners.

“(d) Assistants to physicians may administer any legend drug which they are authorized to prescribe under this section. An assistant to a physician may not initiate a call-in prescription in the name of his or her physician for any drug, whether legend drug or controlled substance, which the assistant is not authorized to prescribe under the job description signed by his or her physician and approved under this section, unless the drug is specifically ordered for the patient by the physician either in writing or by a verbal order which has been reduced to writing and which has been signed by the physician within a time specified in the guidelines of the Board of Medical Examiners.

“§34-24-293.

“(a) The Board of Medical Examiners shall have and exercise all powers and duties previously granted to it. The board may make specific rules and regulations pertaining to the licensure approval, registration, and regulation of assistants to physicians. The board may also make specific rules and regulations pertaining to approvals, disapprovals, and withdrawing approvals from physicians to utilize assistants to physicians.

“(b) The board may recognize, approve, and disapprove new categories and specialties of assistants to physicians as they develop in the delivery of health care.

“(c) The board shall issue certificates of approval for programs for the education and training of assistants to physicians which meet board standards.

“(d) In developing criteria for program approval, the board shall give consideration to and encourage the utilization of equivalency and proficiency testing and other mechanisms whereby full credit is given to trainees for past education and experience in health fields.

“(e) The board shall adopt and publish standards to insure that the programs operate in a manner which does not endanger the health and welfare of patients who receive services within the scope of the program. The board shall review the quality of the curriculum, faculty, and the facilities of the programs and shall issue certificates of approval, and at the other times as it deems necessary to determine that the purposes of this article are being met.

“(f) The board shall formulate guidelines for the consideration of applications by a licensed physician or physicians to supervise assistants to physicians. Each application made by a physician or physicians to the board shall include all of the following:

“(1) The qualifications, including related experience, possessed by the proposed assistant to a physician.

“(2) The professional background and specialty of the physician or physicians.

“(3) A description by the physician of his or her, or physicians of their, practice and the way in which the assistant or assistants are to be utilized.

“(g) The board shall approve an application by a licensed physician or physicians to supervise an assistant to a physician where the board finds that the proposed assistant is a graduate of an approved program, is licensed by the board and is fully qualified by reason of experience and education to perform medical services under the supervision of a licensed physician and that the licensed physician or physicians are suitable and competent to exercise such supervision.

“(h) The board shall provide for penalties for violation of rules and regulations promulgated by the board, including the revocation or suspension of approval of registration to act as an assistant to a physician and approval of physicians to supervise assistants to physicians.

“(i) The board shall prescribe a method by which a candidate for approval, having prior certification, registration, or licensure, may be evaluated and approved. The board shall also prescribe a method by which a candidate for approval may be evaluated and given approval based upon the candidate's past education and work experience.

“(j) The board may cooperate and participate in those federal programs affecting or in conjunction with these types of allied health personnel.

“(k) For the administration of its duties and power in connection with these new categories of health manpower, the board shall establish a reasonable fee schedule, and receipts from payments of said fees shall be expended by the board in carrying out the purposes of this article.

“(l) The board may establish written guidelines which govern the prescription practices of assistants to physicians. The guidelines and any and all additions, deletions, corrections, or changes thereto shall not be considered a rule or regulation requiring publication under the Alabama Administrative Procedure Act. The guidelines shall establish a formulary of legend drugs that may be prescribed

by an assistant to physician and establish minimum requirements for review of the prescribing practice of an assistant to a physician by his or her supervising physician.

“(m) The board may adopt such other rules and regulations as are reasonably necessary to carry out the intent, purposes, and provisions of this article.”

Section 2. (a) Any person practicing or offering to practice as an assistant to physician in this state shall be licensed and registered by the State Board of Medical Examiners in accordance with this act and the rules of the board.

(b) There shall be no independent unsupervised practice by an assistant to physician who is granted a license to practice as an assistant to physician.

Section 3. (a) Any person who practices or offers to practice as an assistant to physician in this state without a license and registration issued and approved by the State Board of Medical Examiners shall be guilty of a misdemeanor which shall be punishable as provided by law.

(b) Any violation of the regulations duly promulgated by the board shall constitute a misdemeanor and shall be punishable as provided by law.

Section 4. The following constitutes the requirements for the issuance of a license to practice as an assistant to physician:

(1) Provide evidence, satisfactory to the board, of successful completion of a training program accredited by the Committee on Allied Health Education and Accreditation (CAHEA) or the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or their successor agencies.

(2) Provide evidence, satisfactory to the board, of successful completion of the Physician Assistant National Certification Examination (PANCE) as administered by the National Commission on Certification of Physician Assistants (NCCPA) or the National Certifying Examination for Anesthesiologist Assistants (NCEAA) as administered by the National Commission for Certification of Anesthesiologist Assistants (NCCAA).

(3) Submit an application on forms approved by the board in its rules.

(4) Pay in advance to the board the required application fee in an amount established in the rules of the board.

Section 5. (a) Upon the filing of an application in the proper form, if the board is satisfied that all requirements of the law have been met and that the application should be approved in the interest

of public welfare, the board shall issue to the applicant a license to practice as an assistant to physician a license of a size and design to be determined by the board.

(b) Every license issued by the board shall be dated, shall be numbered in the order of issuance, and shall be signed by the chair of the State Board of Medical Examiners or the chair's designee.

Section 6. A license issued by the board to an assistant to physician must be renewed annually on or before January 1 of each year. Application for annual renewal must be received by the board on or before December 31 and must be accompanied by a fee in an amount established in the regulations of the board.

Section 7. Notwithstanding any other provision of this act to the contrary, any person who was certified by the board as a Physician Assistant or Surgeon Assistant to a licensed physician on December 21, 1994, shall be eligible for the issuance of a license to practice as an assistant to physician in this state. To qualify for a license under this section, an applicant must submit an application for license and the required fee no later than one year after the effective date of this act. After one year from the effective date of this act an applicant for license must meet all the requirements of Section 4.

Section 8. (a) The board may, in its discretion, grant a temporary license to an applicant who meets the qualifications for licensure as an assistant to physician except that the applicant has not taken the Physician Assistant National Certification Examination (PANCE) or the National Certifying Examination for Anesthesiologist Assistants (NCEAA) for the first time or the applicant has taken the PANCE or the NCEAA for the first time and is awaiting the results. A temporary license is valid:

(1) For one year from the date issued, or
(2) Until the results of an applicant's examination are available, or

(3) Until the board makes a final decision on the applicant's request for licensure as an assistant to physician, whichever comes first.

(b) Assistants to physicians granted a temporary license will not be granted prescriptive privileges, allowed to practice without direct, on-site physician supervision, or allowed to practice in a remote practice site.

(c) The board, in its discretion, may waive the requirement(s) in subdivision (b).

(d) An assistant to physician who is granted a temporary license shall not practice or offer to practice in this state unless he

or she is registered by the State Board of Medical Examiners in accordance with this act and the rules of the board.

(e) There shall be no independent unsupervised practice by an assistant to physician who is granted a temporary license.

Section 9. The board may, within its discretion, deny the issuance of a license to any person or, after notice and hearing in accordance with board regulations, shall, within its discretion, suspend, revoke, or otherwise discipline the license of a person who shall be found guilty on the basis of substantial evidence of any of the following acts or offenses:

(1) Conviction of a felony.

(2) Conviction of any crime or other offense, felony or misdemeanor, reflecting on the ability of the individual to render patient care in a safe manner.

(3) Conviction of any violation of state or federal laws relating to controlled substances.

(4) Termination, restriction, suspension, revocation, or curtailment of licensure, registration, or certification as an assistant to physician by another state or other licensing jurisdiction on grounds similar to those stated herein.

(5) The denial of a registration, a certification, or a license to practice as an assistant to physician by another state or other licensing jurisdiction.

(6) Being unable to render patient care with reasonable safety by reason of addiction to alcohol or drugs or by reason of a mental or physical condition or disability.

(7) Revocation, termination, suspension, or restriction of hospital privileges.

(8) Knowingly submitting or causing to be submitted any false, fraudulent, deceptive, or misleading information to the Board of Medical Examiners in connection with an application for licensure or registration as an assistant to physician.

(9) That the assistant to physician has represented himself or herself or permitted another to represent him or her as a physician.

(10) That the assistant to physician has performed otherwise than at the direction and under the supervision of a physician approved by the board.

(11) That the assistant to physician has been delegated or has performed or attempted to perform tasks and functions beyond his or her competence.

(12) That the assistant to physician has performed or attempted to perform tasks beyond those authorized in the approved job description.

(13) Practicing or permitting another to practice as an assistant to physician without the required license and registration from the Board of Medical Examiners.

(14) Prescribing by an assistant to physician in violation of statutory authority or board rules or guidelines.

(15) Intentional falsification of a certification of compliance with the continuing medical education requirement for assistants to physicians established in the board rules.

Section 10. (a) Prior to practicing or offering to practice in this state, a licensed assistant to physician shall be registered by the board to perform medical services under the supervision of a physician approved by the board to supervise the assistant.

(b) Registration shall be accomplished by the submission to the board of an application on forms established in the board rules, payment of the required registration fee in an amount established in the board rules and the granting of approval pursuant to procedures designated in the board rules.

(c) Registration may be denied or terminated by the board in accordance with grounds and procedures established in the rules of the board.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 8:54 A.M.

Act No. 98-605

H. 664 – Rep. Kennedy

AN ACT

Authorizing the County Commission of Mobile County to levy an additional ad valorem tax in the amount of 10 mills on each dollar of taxable property to be used for capital improvements for public education, subject to the referendum approval of a majority of the qualified election residing in Mobile County voting at an election held for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission, or other governing body by whatever name called, of Mobile County is authorized and shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution of Alabama of 1901 and the laws of the State of Alabama, of one percent (1%), being 10 mills on each dollar, on the value of the taxable property in the county, as such property was assessed for taxation during the preceding year. The proceeds of such tax shall be used exclusively for the following purposes: (1) For payment of the costs of capital improvements, as provided below, or for the payment of principal and interest on debt obligations incurred for the purpose of financing such capital improvements; (2) for the payment of the costs of maintenance and renovation of buildings; and (3) for the payment of the costs of school-based operations, excluding central office expenditures. Capital improvements financed from the proceeds of the tax herein authorized must be included in the capital improvement program approved from time to time by the Board of School Commissioners of Mobile County or any successor governing body or bodies of public schools within the county. Any pledge of such tax to secure indebtedness shall take priority as provided in such obligations and as in consonance with the provisions of existing law, at the time of the issuance and sale of the obligations, touching the issue and sale of obligations issued by school bodies for capital outlay purposes.

The Board of School Commissioners of Mobile County, or successor governing body or bodies of public schools within the county, shall cause to be prepared for its approval each year a capital improvement plan, supplementing and amending the board's existing Mobile County Public School System Phase II Building Program (the Capital Plan), including a capital budget for the next succeeding fiscal year outlining project funding sources and project plans and a prioritized list of capital projects for at least the next four years thereafter showing project locations, estimated costs, and such other matters as are included in the board's existing Capital Plan. The Capital Plan may be amended as the board deems necessary.

If permanent funding is available from any other source that would replace the funds needed in this act for the Capital Plan, the Mobile County Commission is required to reduce the millage accordingly in the next taxable year following such availability.

Section 2. The increase in the rate at which the tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing in Mobile County who vote on the proposed increase at a special election called and

held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373 on the first Tuesday of May 1999.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 8:56 A.M.

Act No. 98-606

H. 182 – Rep. Hooper

AN ACT

To amend Sections 25-4-32 and 25-4-152, Code of Alabama 1975, relating to unemployment compensation, to restrict expenditure of the federal funds for certain fiscal years to the administration of the Unemployment Compensation Program and to alter the definition of legal process to include actions of administrative agencies of competent jurisdiction regarding child support orders.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 25-4-32 and 25-4-152, Code of Alabama 1975, are amended to read as follows:

“§25-4-32.

“(a) Money shall be requisitioned from the state’s account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the director; except, that money credited to this state’s account pursuant to Section 903 of the Social Security Act, as amended, shall be used exclusively as provided in this section. The director shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to this state’s account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer of the fund shall deposit such moneys in the benefit payment account and shall issue his checks for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit payment account and refunds for the clearing account shall not be subject to any provisions of law (and shall be in lieu of all provisions of law) requiring specific appropriations or other formal release by state officers of moneys in their custody. All checks issued by the treasurer of the fund for the payment of benefits shall bear the signature of said treasurer, and the countersignature of the director or his or her duly authorized agent, both in such manner as the director may prescribe. Any balance of moneys requisitioned from the unemployment trust fund which remains

unclaimed or unexpended in the benefit payment account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the director, shall be redeposited with the Secretary of the Treasury of the United States to the credit of this state's account in the unemployment trust fund as provided in Section 25-4-31.

“(b) Money credited to the account of this state in the unemployment trust fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the Legislature; provided, that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

“(1) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

“(2) Limits the period within which such money may be expended to a period ending not more than two years after the date of the enactment of the appropriation law; and

“(3) Limits the amount which may be used during a 12-month period beginning on July 1, and ending on the next June 30, to an amount which does not exceed the amount by which the aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act, as amended, exceeds the aggregate of the amounts used pursuant to this section and charged against the amount credited to the account of this state.

“(c) Money requisitioned for the payment of expenses of administration pursuant to this section shall be deposited in the employment security administration fund, but, until expended, shall remain a part of the unemployment fund. The director shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is, for any reason, not to be expended for the purpose for which it was appropriated, or, if it remains unexpended at the end of the period specified by the law appropriating such money, it shall be withdrawn and returned to the Secretary of the Treasury of the United States for credit to this state's account in the unemployment trust fund.

“(d) Money credited to the account of this state pursuant to Section 903 of the Social Security Act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses for the administration of this chapter and of public

employment offices pursuant to this chapter. Notwithstanding the foregoing, money credited with respect to federal fiscal years 1999, 2000, and 2001 shall be used solely for the administration of the Unemployment Compensation Program.

“§25-4-152.

“(a) (1) An individual filing a claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes child support obligations as defined under subdivision (7). If any such individual discloses that he or she owes child support obligations, and is determined to be eligible for unemployment compensation, the director shall notify the state or local child support enforcement agency enforcing such obligation that the individual has been determined to be eligible for unemployment compensation.

“(2) The director shall deduct and withhold from any unemployment compensation payable to an individual who owes child support obligations as defined under subdivision (7).

“a. The amount specified by the individual to the director to be deducted and withheld under this subdivision, if neither paragraph b. nor c. is applicable; or

“b. The amount (if any) determined pursuant to an agreement submitted to the director under Section 454 (20) (B) (i) of the Social Security Act by the state or local child support enforcement agency, unless paragraph c. is applicable; or

“c. Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process, as that term is defined in Section 459(i) (5) of the Social Security Act, as amended by Section 362(a) of the Personal and Work Opportunity Reconciliation Act of 1996, properly served upon the director.

“(3) Any amount deducted and withheld under subdivision (2) shall be paid by the director to the appropriate state or local child support enforcement agency.

“(4) Any amount deducted and withheld under subdivision (2) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local child support enforcement agency in satisfaction of the individual's child support obligations.

“(5) For purposes of subdivisions (1) through (4), the term “unemployment compensation” means any compensation payable under this section (including amounts payable by the director pursuant to an

agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment).

“(6) The provisions of this section shall apply only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the director under this section which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

“(7) The term “child support obligations” is defined for purposes of these provisions as including only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the U.S. Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

“(8) The term “state or local child support enforcement agency” as used in these provisions means any agency of this state or a political subdivision thereof operating pursuant to a plan as described in subdivision (7).

“(b) The provisions of subsection (a) shall become effective for implementation with respect to benefits paid on or after September 25, 1982.

“(c) (1) Effective January 1, 1997, and thereafter an individual filing an initial claim for unemployment compensation shall, at the time of filing such claim, be advised that:

“a. Unemployment compensation is subject to federal income tax.

“b. Requirements exist pertaining to estimated tax payments.

“c. The individual may elect to have federal income tax deducted and withheld from the individual’s payment of unemployment compensation at the amount specified in the Federal Internal Revenue Code.

“d. The individual shall be permitted to change a previously elected withholding status one time within a benefit year.

“(2) Amounts deducted and withheld from unemployment compensation shall remain in the unemployment fund until transferred to the federal taxing authority as a payment of income tax.

“(3) The director shall follow all procedures specified by the United States Department of Labor and the Federal Internal Revenue Service pertaining to the deduction and withholding of income tax.

“(4) Amounts shall be deducted and withheld under this section only after amounts are deducted and withheld for any overpayments of unemployment compensation, child support obligations or any other amounts required to be deducted and withheld under this section.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:57 A.M.

Act No. 98-607

H. 522 – Rep. Papucci

AN ACT

Relating to Madison County; to allow local governmental entities to regulate the liquor traffic in conjunction with certain entertainment in the county; and to provide for civil and criminal enforcement of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds that the authority of the Legislature to enact local laws regulating the liquor traffic is preserved in Section 104 of the Constitution of Alabama of 1901, and pursuant to this authority the Legislature enacts this local law.

Section 2. Each local governmental entity in Madison County, whether it be a municipal governing body or the county commission, may promulgate and implement rules and regulations for controlling the liquor traffic within the jurisdiction of the local governmental entity, by allowing or prohibiting nudity, topless dancing, or any other type of similar live entertainment on the premises of a business which serves or sells alcoholic beverages or allows the public to consume alcoholic beverages on the premises. The rules and regulations shall be adopted by a majority vote of the governing body of the local governmental entity and the action shall be spread upon the minutes of a regular meeting of the governing body. The unincorporated areas of the county shall be subject only to the rules and regulations adopted by the county commission.

Section 3. When a local governmental entity deems that a rule or regulation adopted under this section has been violated, it may suspend or revoke the business license of the violator until the violator is deemed by the governmental entity to be in compliance with the rule or regulation. An alleged violation of a rule or regulation shall be afforded due process at a hearing before the

governing body of the appropriate local governmental entity before a license is suspended or revoked. The appropriate governing body shall prescribe procedural rules for the hearing. Any appeal of a suspension or revocation of a license under this section shall lie directly to the circuit court of the county.

Section 4. If a business continues or attempts to continue to operate after a license of the business has been suspended or revoked under this section or in violation of any rule or regulation of a local governmental entity, the proprietor of the business shall be guilty of a Class C misdemeanor and upon conviction thereof, shall be punished as prescribed by law.

Section 5. When a local governmental entity deems that a rule or regulation adopted by the governing body of the entity has been violated, it may commence a civil action in the name of the local governmental entity in the Circuit Court of Madison County to enjoin the activity which may be in violation of the rule or regulation. In any civil action brought pursuant to this subsection, the circuit court of the county may assess all costs of enjoining the action, including attorney fees, court costs, and all other expenses of litigation against the proprietor of a business found to be in violation of the rule or regulation.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:58 A.M.

Act No. 98-608

S. 132 – Senator Bailey

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division of the Department of Finance.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Telecommunications Division of the Department of Finance.

Section 2. The existence and functioning of the Telecommunications Division of the Department of Finance, created and functioning pursuant to Sections 41-4-280 to 41-4-293, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Section 1 and 2 of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 8:56 A.M.

Act No. 98-609

S. 310 – Senator Barron

AN ACT

To amend Sections 32-13-1 and 32-13-2 of the Code of Alabama 1975; to specify when the owner of private property may declare a vehicle abandoned under certain circumstances when it remains on property maintained by the property owner for use by his or her tenants, residents, or guests; to require the property owner to give notice of the declaration of abandonment to the owner of the vehicle; and to exempt the owner and towing agents from liability except for gross negligence.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-13-1 and 32-13-2 of the Code of Alabama 1975, are amended to read as follows:

“§32-13-1.

“For the purposes of this chapter, an “abandoned motor vehicle” shall mean a motor vehicle, as defined in section 32-1-1.1:

“(1) Which has been left by the owner, or some person acting for the owner, with an automobile dealer, repairman or wrecker service for repair or for some other reason and has not been called for by the owner or other person within a period of 60 days after the time agreed upon and within 60 days after the vehicle is turned over to a dealer, repairman or wrecker service when no time is agreed upon, or within 60 days after the completion of necessary repairs.

“(2) Which is left unattended on a public street, road, or highway or other public property for a period of at least seven days; or left unattended continuously for at least seven days in a business district or a residence district; or if left unattended in a business

district that has at least one posted notice in an open and conspicuous place indicating that there is a time limitation on the length of time a motor vehicle may remain parked in the district and the motor vehicle remains unattended for a period of time in excess of that posted on the notice; or left unattended in a business district or residence district that has at least one posted notice indicating that only authorized motor vehicles may park in that district and the owner of the motor vehicle or his or her agent has not received the required authority prior to leaving the motor vehicle unattended; or left unattended on a private road or driveway without the express or implied permission of the owner or lessee of the driveway or their agent. A posted notice when required by this chapter shall meet the following specifications:

“(a) The notice shall be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within five feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign each 25 feet of lot frontage.

“(b) The notice shall clearly indicate, in not less than two inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner’s expense. The words “tow away zone” shall be included on the sign in not less than four inch high letters.

“(c) The notice shall also provide the name and current telephone number of the person or firm towing or removing the vehicles, if the property owner, lessor, or person in control of the property has a written contract with a wrecker service.

“(d) The sign structure containing the required notices shall be permanently installed with the bottom of the sign not less than four feet above ground level, and be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles.

“(3) Which has been lawfully towed onto the property of another at the written request of a law-enforcement officer and left there for a period of not less than 60 days without anyone having made claim thereto.

“(4) Which has been abandoned, has an expired tag or is inoperable in a parking area on private property maintained by the property owner or his or her agent for use by his or her tenants, residents, or their guest(s). A vehicle shall be defined as abandoned or inoperable under this section if it has an expired tag or has remained in the same parking lot for a period of 30 days or more. To bring a vehicle within the provisions of this section, the

property owner or his or her agent shall post a dated notice in a conspicuous place on the vehicle in question stating:

“a. That the vehicle has been determined to be abandoned or inoperable and will be removed at the direction of the property owner or his or her agent upon the expiration of seven days from the date of the notice.

“b. The name and address of the last registered owner of the vehicle in question and the name and address of the property owner or his or her agent and a daytime phone number for the person giving the notice.

“A copy of the notice shall be mailed by regular mail to the last known address of the registered owner, if ascertainable, on the date of posting or not later than the next business day. Calculation of the seven-day notice period shall commence on the date of posting of the notice on the vehicle.

“§32-13-2.

“(a) Any peace officer who finds a motor vehicle which has been left unattended on a public street, road, or highway or other property for a period of at least seven days, shall be authorized to cause the motor vehicle to be removed to the nearest garage or other place of safety.

“(b) Any peace officer who pursuant to this section causes any motor vehicle to be removed to a garage or other place of safety shall be liable for gross negligence only and any person removing the vehicle or other property at the direction of a peace officer in accordance with this section shall have a lien on the motor vehicle for a reasonable fee for the removal and for the storage of the motor vehicle.

“(c) Any peace officer who under this section causes the removal of any motor vehicle to a garage or other place of safety shall within five days give written notice of the removal, which notice shall include a complete description of the motor vehicle serial number and license number thereof, provided the information is available, to both the secretary of state, state of Alabama, and the department of public safety, state of Alabama.

“(d) The owner or lessee of real property or their agent upon which an abandoned motor vehicle as defined in section 32-13-1 has become abandoned shall be authorized to cause the abandoned motor vehicle to be removed to a secure place. Any owner or lessee of the real property or their agent who shall cause the abandoned motor vehicle to be removed from their real property shall, within 24 hours of the removal, give written notice to the county or

municipal law enforcement agency in whose jurisdiction the abandoned motor vehicle was situated. Any person or corporation removing the vehicle or other property at the direction of the owner or lessee of real property or their agent in accordance with this section have a lien on the motor vehicle for a reasonable fee for the removal and for storage of the motor vehicle.

“(e) The owner or lessee or agent of the real property owner, lien holder and the towing agent or wrecker service employed shall be liable to the owner or party in possession of the vehicle only for gross negligence under this section.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 8:59 A.M.

Act No. 98-610

S. 436 – Senator Bedford

AN ACT

To authorize any county having a population of 25,000 inhabitants or less, according to the 1990 federal decennial census, which voluntarily operates a county landfill for inert solid waste and which accepts inert solid waste from within or outside the county, to charge a tipping fee for use of the county landfill; to authorize the county to deposit any or all of the tipping fee in the county general fund to be used for county general purposes; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other provision of law, any county having a population of 25,000 inhabitants or less, according to the 1990 federal decennial census, which voluntarily operates a landfill as defined in Section 22-27-2(8) of the Code of Alabama 1975, may charge a tipping fee for use of the county landfill. The county may deposit any or all of the tipping fee in the county general fund to be used for county general purposes. This act shall not be construed to grant any solid waste disposal authority or unit of local government the authority to impose a tipping fee on the processing, treatment or disposal of solid waste at a privately-owned or privately-operated solid waste facility.

Section 2. The provisions of this act are remedial and shall be given retroactive effect for any time period for any county to which this act applies has operated a county landfill for inert solid waste.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 9:00 A.M.

Act No. 98-611

S. 296 – Senator Mitchell

AN ACT

Establishing the Alabama Spinal Cord Injury and Head Injuries Registry Act; providing information relating to spinal cord injuries and moderate to severe head injuries in Alabama for rehabilitative services; reporting of spinal cord injuries or moderate to severe head injury and confidentiality of records; accessing of records by the State Health Officer; referring to rehabilitation programs administered by state agencies; exchanging of information with registries; accepting of grants, services, and property by the State Health Officer; creating an advisory panel on spinal cord injuries and head injuries; and prohibiting causes of action under certain circumstances.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the “Alabama Head and Spinal Cord Injury Registry Act.”

Section 2. It is the intent of the Legislature to ensure the referral of persons who have traumatic brain and/or spinal cord injuries to a coordinated rehabilitation program developed and administered by other state agencies, to ascertain information relative to the occurrence of head injuries resulting in moderate to severe traumatic brain injuries or spinal cord injuries, to identify prevention programs to prevent these disabling conditions, and to recommend to the Legislature, state agencies, and other interested organizations steps to prevent and better treat these conditions.

Section 3. For purposes of this act, the following words shall have the following meanings unless the context clearly indicates otherwise.

(1) **TRAUMATIC BRAIN INJURY or HEAD INJURY.** Hereinafter, referred to in this act as “head injury.” An occurrence of injury to the head that is documented in a medical record, with one or more of the following conditions attributed to head injury:

- a. Observed or self-reported decreased level of consciousness.
- b. Amnesia.
- c. Skull fracture.

- d. Objective neurological or neuropsychological abnormality.
- e. Diagnosed intracranial lesion.
- f. As an occurrence of death resulting from trauma, with head injury listed on the death certificate, autopsy report, or medical examiner's report in the sequence of conditions that resulted in death.

This definition applies to an acquired injury to the brain. This term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

(2) **SPINAL CORD INJURY.** The occurrence of an acute traumatic lesion of neural elements in the spinal canal (spinal cord and Cauda equine), resulting in temporary or permanent sensory deficit, motor deficit, or bowel or bladder dysfunction.

Section 4. The State Health Officer may establish, contingent on the availability of funding, within the Department of Public Health the Alabama Statewide Head and Spinal Cord Injury Registry for the purpose of providing accurate and up-to-date information about head and spinal cord injuries in Alabama and facilitating the evaluation and improvement of head and spinal cord injuries prevention, diagnosis, therapy, rehabilitation, and referral to coordinated, rehabilitation programs administered by other state agencies. The purpose of these referrals shall be to ensure that these programs shall provide eligible persons the opportunity to obtain the necessary rehabilitative services enabling them to be referred to a vocational rehabilitation program or to return to an appropriate level of functioning in their community. The State Committee of Public Health shall adopt rules necessary to effect the purposes of this act, including the data to be reported, and the effective date after which reporting shall be required.

Section 5. (a) Each case of confirmed head or spinal cord injury shall be reported within 90 days of admission or diagnosis in the manner prescribed by rule. Reports are to be submitted on a monthly basis.

(b) Any further demographic, diagnostic, treatment, or follow-up information shall be provided upon request by the State Health Officer concerning any person now or formerly diagnosed as having or having had a head or spinal cord injury. The State Health Officer or his or her authorized representative shall be permitted access to all records, including death certificates, of persons identified with head or spinal cord injuries.

Section 6. (a) The Department of Public Health shall establish procedures, after a report has been received for any person

with a head or spinal cord injury, to notify the individual or the most immediate available family members of the availability of assistance from the state, the services available, and the eligibility requirements.

(b) The Department of Public Health shall refer persons who have head or spinal cord injuries to other state agencies to assure that rehabilitative services, if desired, are obtained by that person.

Section 7. (a) All information reported pursuant to this act shall be confidential and privileged.

(b) The State Health Officer shall take strict measures to ensure that all identifying information is kept confidential, except as otherwise provided in this act.

(c) Head and spinal cord injury information may be provided to researchers or research institutions, or both, in connection with head and/or spinal cord injury morbidity and mortality studies upon appropriate review by the State Health Officer. All identifying information regarding an individual patient, health care provider, or health care facility contained in records of interviews, written reports, and statements procured by the State Health Officer or by any other person, agency, or organization acting jointly with the State Health Officer in connection with these studies shall be confidential and privileged and shall be used solely for the purposes of the study. Nothing in this act shall prevent the State Health Officer from publishing statistical compilations relating to morbidity and mortality studies which do not identify individual cases or sources of information.

(d) Information collected under this act is not subject to disclosure under Section 36-12-40, Code of Alabama 1975.

Section 8. (a) The State Health Officer may enter into agreements to exchange confidential information with other head and/or spinal cord injury registries to obtain complete reports of Alabama residents diagnosed or treated in other states and to provide information to other states regarding their residents diagnosed or treated in Alabama.

(b) The State Health Officer may furnish confidential information to other states' head and/or spinal cord injury registries, federal head or spinal cord injury prevention or rehabilitation agencies, or health researchers in order to collaborate in a national head and/or spinal cord injury registry or to collaborate in head and/or spinal cord injury prevention and rehabilitation research studies.

Section 9. (a) The State Health Officer may accept grants, services, and property from the federal government, foundations,

organizations, medical schools, and other entities as may be available for the purposes of fulfilling the obligations of this program.

(b) The State Health Officer shall seek any federal waiver or waivers that may be necessary to maximize funds from the federal government to implement this program.

Section 10. The State Health Officer may establish and coordinate an Advisory Panel on Head and Spinal Cord Injury which shall provide governmental and non-governmental input regarding the Head and Spinal Cord Injury Registry. The membership of the panel may include, but is not limited to, representatives from appropriate state departments and agencies, persons with head and spinal cord injuries or their family members, experts on head and spinal cord injuries, providers of head and spinal cord injury care, and representatives of state affiliates of national head and/or spinal cord injury organizations.

Section 11. The State Health Officer, with input from the Advisory Panel, shall prepare a report that describes findings from the Head and Spinal Cord Injury Registry and make new recommendations for the prevention of head and spinal cord injuries and provision of rehabilitative services for persons with head and spinal cord injuries and transmit the report to the Legislature and make the report available to the public. These findings shall be presented to an annual meeting of experts in the field of head and spinal cord injury.

Section 12. (a) No person shall have any claim or cause of action against the State of Alabama, or its political subdivisions, or any individual arising out of any acts or omissions which occurred under the provisions of this act, if the state, political subdivisions, or individual is in compliance with this act.

(b) No person shall have any claim or cause of action against any person, or the employer or employee of any person, who participates in good faith in the reporting or receiving, or both, of head or spinal cord registry data or data for head or spinal cord injury morbidity or mortality studies in accordance with this act.

(c) No license of a health care facility or health care provider may be denied, suspended, or revoked for the good faith disclosure of confidential or privileged information in the reporting of head or spinal cord injury registry data or data for head or spinal cord injury morbidity or mortality studies in accordance with this act.

(d) No license of a health care facility or health care provider may be denied, suspended, or revoked for the failure to disclose, confidential or privileged information in the reporting of head or spinal cord injury registry data or data for head or spinal cord injury morbidity or mortality studies.

(e) Nothing in this act shall be construed to apply to the authorized disclosure of confidential or privileged information when that disclosure is due to gross negligence or wanton or willful misconduct.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 6, 1998

Time: 9:01 A.M.

Act No. 98-612

S. 379 – Senator Escott-Russell

AN ACT

To establish the Permanent Joint Legislative Oversight Committee of Children in State Care; to create the Interdepartmental Council on Children in State Care and duties and responsibilities thereof; to establish a state case registry; to provide for confidentiality of information and to provide penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words shall have the following meanings:

(1) **CHILDREN IN STATE CARE.** A child who is described by any of the following circumstances:

a. The child's foster care placement is primarily the financial responsibility of the state.

b. The child is under the legal or physical custody of a state agency, including, but not limited to, the Department of Human Resources, the Department of Mental Health and Mental Retardation, and the Department of Youth Services.

c. The Department of Human Resources, the Department of Mental Health and Mental Retardation, the Department of Youth Services, or any other agency is providing out of home services to the child.

d. Children not included under this definition are children where care is furnished by a child care center, group day care home, or family day care home.

(2) **COMMITTEE.** The Permanent Joint Legislative Oversight Committee of Children in State Care.

(3) **COUNCIL.** Interdepartmental Coordination Council on Children in State Care.

Section 2. There is created a Permanent Joint Legislative Oversight Committee of Children in State Care. The committee

shall consist of three members of the House of Representatives appointed by the Speaker of the House and three members of the Senate appointed by the Lieutenant Governor. The committee shall hold its organizational meeting within 30 days after the effective date of this act. The committee shall meet at the call of the chair or any majority of the members thereof; provided, that the committee shall meet at least once each four months. The committee shall have a continuing existence and may meet, act and conduct its business at any place within this state during the sessions of the Legislature or any recess thereof, and in the interim period between sessions.

Section 3. The Secretary of the Senate, the Clerk of the House of Representative, the Legislative Reference Service, the Legislative Fiscal Office, the Examiners of Public Accounts and the council created pursuant to Section 6 shall provide any assistance as may be necessary at the committee's request. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated for the use of the Legislature, upon warrants drawn on the State Comptroller, upon requisitions signed by the committee's chair; provided however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session but they shall receive their travel expenses for all meetings attended. Annual expenses and compensation of the committee shall not exceed the amount of \$10,000.

Section 4. It shall be the duty of the committee to study and review the criteria for placing and keeping children in state care, to review the criteria for selection of child care providers by state agencies, to review the minimum base pay and distribution of funds for providers, to identify an accountability process for providers, to review the quality of care provided to children by state agencies, to identify an accountability process for state agencies involved in children's services, to review the availability of special services to meet the individual needs of children in state care, to gather input from service providers, state agencies, and children receiving state services concerning their experiences, concerns, and recommendations, and to coordinate the activities of the council.

Section 5. The committee shall report any findings and recommendations to the Legislature no later than the seventh legislative day of each regular session.

Section 6. (a) The Joint Legislative Oversight Committee of Children in State Care shall convene a coordination council composed of the chair of the Joint Legislative Oversight Committee of Children

in State Care or his or her designee and the commissioner or the commissioner's designee of each department of state government that administers services to children, youth, and their families, including, but not limited to, the Department of Education, the Department of Human Resources, the Department of Mental Health and Mental Retardation, the Department of Public Health, the Medicaid Agency, and the Department of Youth Services, the Department of Rehabilitation Services, one member from the Alabama Association of County Directors of Human Resources appointed by that organization, one member from the Alabama Residential Child Care Association appointed by that organization, two members from the Alabama Foster Parent Association appointed by that organization, one member from the Juvenile Court Judges Association appointed by that organization, one guardian ad litem appointed by the Alabama State Bar, and three additional members appointed by the legislative oversight committee, who diversely represent children in state care, one of whom shall be a parent of a child in state care. Each non-departmental head member of the council shall serve for a term of three years until his or her successor is appointed.

(b) The coordination council shall meet at least once each quarter. The chair of the Permanent Joint Legislative Oversight Committee of Children in State Care or his or her designee shall serve as chair. The coordination council shall meet at such other times as the chair deems necessary or expedient for the performance of duties and responsibilities. The members of the council shall receive mileage and per diem as provided by Article 2 of Chapter 7 of Title 36, Code of Alabama 1975, while attending meetings or while performing the official duties of the council from appropriations made by the Legislature to the council. Those members present at meetings of the council shall constitute a quorum.

(c) The coordination council has the following duties and responsibilities:

(1) Provide input on the issues that affect the care of and the services received by children who are in the care of a state agency.

(2) Identify, analyze, and recommend solutions to any issue concerning children's services.

(3) Interpret to the general public the need for foster care and the important service that foster parents provide.

(4) Promote the statewide exchange and pooling of information in the area of children in state care.

(5) Review and make recommendations to the committee concerning state care and child service delivery policies, guidelines, and procedures.

(6) Develop recommendations concerning training to improve the quality of services to children in state care.

(7) Review and advise the committee on pending or enacted legislation, primarily as it concerns children's services, and on agencies responses or positions regarding that legislation.

(8) Assist in the design and implementation of a data collection system.

(9) Provide budget and program information to the committee on children in state care.

(10) Prepare an annual report on children in state care to be submitted to the committee.

Section 7. (a) The Department of Human Resources, the Department of Mental Health and Mental Retardation, and the Department of Youth Services shall create a joint project team to develop a requirements analysis and conceptual design for maintaining a central repository of case information within 12 months of the date of enactment of this act, which shall be known as the State Case Registry of Children in State Care and shall contain records with respect to the following:

(1) The number of children in state care.

(2) The amount of funds expended by federal, state, and local governments for maintenance payments on behalf of children in state care.

(3) The amount of funds expended by federal, state, and local governments for payments on behalf of each child in state care and their natural parents or guardians.

(4) The types of services being offered to parents and their children in order to keep the family together.

(5) The number of children in foster care eligible for adoption, the number of such children adopted, and the number of foster children determined not to be adoptable and the reasons therefor.

(6) The number of children in state care placed in permanent or long-term state care or guardianship.

(7) The size of caseloads of probation officers and social workers, the effect the caseloads have on the services offered to parents or their children, and the effectiveness of such services.

(8) The movement of children in state care from placement to placement and the shifting or sharing of responsibility, or both, from agency to agency.

(9) The agency related qualifications, education, and in-service training of workers providing services to children.

(10) Any other matter relating to children in state care which the departments, in consultation with the council, deem appropriate to be included in the registry.

(b) Information in the registry shall be used to carry out the responsibilities of the council or any agency with jurisdiction over children in state care.

(c) All information and records obtained pursuant to this section shall be confidential and may not be disclosed in a way which may identify any individual, adult or child.

(d) Any person who violates this section shall be guilty of a Class C felony.

Section 8. (a) All records, reports, permanency plans, reviews and reports of children in state care or any material prepared in connection with the planning, placement, or care of a child in the care or custody of a state agency shall not be a public record and shall be disclosed only for the purposes directly related to the administration of this act or as otherwise determined by the agency having jurisdiction of the child in state care to be reasonably necessary or reasonably required and as directly related to the provisions of any services needed by the child.

(b) A violation of this section is a Class C felony.

Section 9. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 9:02 A.M.

Act No. 98-613

S. 483 – Senator Figures

AN ACT

Relating to insurance; to amend Section 27-2-39, Code of Alabama 1975, to further clarify the distribution of proceeds collected by the Commissioner of Insurance for deposit into the Insurance Department Fund; to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with a qualified testing institution to administer the examinations of life and disability insurance agents and brokers, and to allow the examination fees for the services to be paid directly to the testing institution in lieu of, but not in excess of, the fees set forth in Section 27-4-2, Code of Alabama 1975, by amending Section 27-8-7, Code of Alabama 1975; and to amend Section 27-8A-3, Code of Alabama 1975, to provide that the Commissioner of Insurance may contract for the services needed to administer the insurance agents continuing education program.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 27-2-39, 27-8-7, and 27-8A-3, Code of Alabama 1975, are amended to read as follows:

“§27-2-39.

“(a) There is created a fund in the State Treasury designated the “Insurance Department Fund” to be used for the operation of the Department of Insurance. Receipts deposited into this fund shall be disbursed only by warrants of the State Comptroller drawn upon the State Treasury on itemized vouchers approved by the Commissioner of Insurance. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations act, other appropriation acts, or this section. At the end of each fiscal year, any unencumbered and unexpended balance of up to 25 percent of the amount appropriated for that fiscal year shall not revert to the State General Fund under Section 41-4-93, but shall carry over to the next fiscal year.

“(b) Notwithstanding any other provision of law, the Commissioner of Insurance shall promptly pay all sums, fees, taxes, licenses, renewals, and other miscellaneous charges collected pursuant to Sections 10-4-111, 27-2-16, 27-3-29, 27-4-2, 27-7-7, 27-8-1, 27-8-5, 27-13-5, 27-13-24, 27-13-62, 27-21A-21, 27-34-6, 27-34-36, 27-34-47, 27-39-6, and 27-39-7, other than those fines, penalties, and deposit requirements collected pursuant to Section 27-3-29, and other than those fees collected pursuant to Chapter 8A of Title 27 for deposit into the Insurance Agents and Brokers Continuing Education Fund, into the State Treasury with 50 percent credited to the State General Fund and 50 percent credited to the Insurance Department Fund.

“§27-8-7.

“(a) The commission shall establish rules and regulations with respect to all of the following:

“(1) The classification of applicants according to the type of insurance to be effected by them.

“(2) The scope, type and conduct of written examinations.

“(3) The times and places within the state for the holding of the examinations. An applicant shall be permitted to take an examination once in each two weeks in the principal office of the commissioner, and an examination shall be held at least as often as once in each three months in each congressional district.

“(b) The rules and regulations shall classify the applicant for purposes of this section as follows:

“(1) Those desiring to write life insurance.

“(2) Those desiring to write disability insurance.

“(3) Those desiring to write any combination of the above classifications.

“(4) Any other classifications as, in the opinion of the commissioner, are necessary or appropriate.

“(c) The examination shall be prepared and given in those subjects only which pertain to the classification, or classifications, which apply to the applicant, and no applicant shall be required to take an examination on a subject, or subjects, pertaining to any other classification. Prior to the examination, the commissioner shall value each question to be asked therein, and the sum of the values shall total 100. Each of the answers given shall correspondingly be valued proportionately to its correctness, and the sum of the values totaling 70 shall constitute a passing grade. An applicant shall have the right to be examined as to all of the classifications in the same examination and shall be required to pay but one examination application filing fee therefor.

“(d) The commissioner may contract with any qualified testing institutions for administration of the examination, including but not limited to, the preparation, analysis and grading of the examination. If the commissioner contracts with a testing institution, fees approved by the commissioner for the services may, at the commissioner's discretion, be paid directly to the testing institution and the fee shall be in lieu of, but not in excess of, the fees for the examination required under Section 27-8-6 as specified in Section 27-4-2.

“§27-8A-3.

“The courses or programs subject to this chapter shall include any course, seminar, industry recognized certification program, and out-of-state reciprocal program, program of classroom instruction, or independent self-study course authorized, developed, or sanctioned by an authorized insurer or recognized statewide association of insurance agents or brokers and shall, subject to the approval of the commissioner, qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner. Any independent self-study course authorized, developed, or sanctioned by any authorized insurers or recognized state agents association, which includes an appropriate testing instrument administered by a third party proctor requiring a passing grade of 70

percent to successfully complete and is approved by the commissioner, shall qualify for the equivalency of the number of classroom hours assigned thereto by the commissioner. Programs or courses shall be directly related to the agents insurance product and contribute to the technical competence of the agent. All courses, course providers, and certifications, pursuant to this chapter, are subject to audit by the department at any time. Course or course providers may be disqualified at the discretion of the commissioner. The commissioner may contract for computer services and equipment necessary to administer the provisions of this chapter, but there shall be no additional cost or fee to licensees except as otherwise specifically provided in this title.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 9:03 A.M.

Act No. 98-614

H. 172 – Rep. Dean

AN ACT

To amend Act 97-948, 1997 1st Special Session, now appearing as Section 11-40-22, Code of Alabama 1975, relating to municipal programs for exemplary performances or innovations; to exempt certain municipal programs in existence prior to the enactment of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 97-948, 1997 1st Special Session, now appearing as Section 11-40-22, Code of Alabama 1975, is amended to read as follows:

“§.

“(a) Notwithstanding any limitations of law pertaining to the municipality, the mayor of any municipality in Alabama is hereby authorized, subject to budget restraints approved by the governing body, to make cash or non-cash awards not to exceed \$1,000 to employees of the municipality in recognition of exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

“(b) Any employee selected to receive a cash or non-cash award for exemplary performance or for innovations that significantly reduce costs must first be recommended by his or her supervisor and approved by the governing body of the municipality.

“(c) Nothing in this section shall affect any program in existence on September 22, 1997.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:31 A.M.

Act No. 98-615

H. 629 – Rep. Turner

AN ACT

To amend Sections 9-11-432 and 9-11-433 of the Code of Alabama 1975, relating to the issuance of migratory waterfowl stamps; to provide for the issuance of the stamps by authorized license agents under certain circumstances; to further provide for certain issuance fees; and to delete certain language relating to written applications for migratory waterfowl stamps.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-11-432 and 9-11-433 of the Code of Alabama 1975, are amended to read as follows:

“§9-11-432.

“A person may not hunt migratory waterfowl within the state of Alabama or its coastal waters without first procuring a state migratory waterfowl stamp. The stamp shall be validated by the signature of the hunter written across the face of the stamp in ink. The stamp shall be in the possession of the hunter while the hunter is hunting or taking migratory waterfowl. The form of the stamp shall be determined by the department and the department shall furnish the stamps to the judge of probate or issuing officer of the counties or to other authorized license agents as provided in Section 9-11-433 for issuance or sale in the same manner as state hunting licenses are issued or sold.

“§9-11-433.

A stamp shall be issued to each hunting license applicant by the judge of probate or issuing officer of any county of the state or other authorized license agent as provided herein upon the payment of a fee of five dollars (\$5). Each stamp shall be valid for the duration of one hunting season as established by the department. Stamps shall be available for sale prior to any waterfowl season, including any special season which may precede the regular season.

The judge of probate, or issuing officer, or other authorized license agent as provided herein shall be allowed a fee of one dollar

(\$1) for each license issued, which issuing fee shall be in addition to the cost of the stamp. In counties where the judge of probate or issuing officer is on the fee system, the issuing fee shall be retained by the judge of probate or issuing officer, and in counties where the judge of probate or issuing officer is on a salary basis, the fee shall be paid into the county treasury to the credit of the appropriate fund.

“Other license agents as authorized by the Department of Conservation and Natural Resources may issue migratory waterfowl stamps, provided the other authorized license agents prepurchase sheets of stamps for resale at face value plus the issuance fee provided herein. An agent shall place an initial order for one or more sheets of 10 stamps each for the license year. At the end of the license period, the agent may return unsold stamps for a refund.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:32 A.M.

Act No. 98-616

H. 632 – Rep. Hill

AN ACT

To amend Section 11-28-2 of the Code of Alabama 1975, to extend the permissible maturity on warrants issued by counties having certain populations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-28-2 of the Code of Alabama 1975, is amended to read as follows:

“§11-28-2.

“In addition to all other warrants which any county shall have the power to issue pursuant to laws other than this chapter, the county shall have the power from time to time to sell and issue warrants of the county for the purpose of paying costs of public facilities. In the proceedings pursuant to which warrants are authorized to be issued the county commission of the county may, in its discretion, provide that the warrants shall evidence general

obligation debt of such county, in which case the full faith and credit of the county shall be irrevocably pledged for the payment of the principal of and interest on the warrants or, alternatively, that the warrants shall evidence limited obligation debt of the county payable solely from specified pledged funds, in which case the pledged funds shall be irrevocably pledged for the payment of the principal of and interest on such warrants as provided in section 11-28-3. The warrants may be in the denomination or denominations, may have a maturity or maturities not exceeding 30 years from their date, except that in counties having a population of 98,500 inhabitants or more, except Madison County, according to the 1990 federal decennial census, warrants in excess of \$25,000,000 may have a maturity or maturities not exceeding 40 years, may bear interest from their date at the rate or rates payable in the manner at the times, may be payable at the place or places within or without the state of Alabama, may be sold at the time or times and in the manner, whether publicly or privately, may be executed in the manner, and may contain the terms not in conflict with the provisions of this chapter, all as the county commission of the county may provide in the proceedings pursuant to which the warrants are authorized to be issued. The county commission of any county issuing the warrants may provide, in its discretion, that the warrants shall bear interest at a rate or rates fixed at the time of the issuance thereof, or at fixed rates which may be changed from time to time during the term of the warrants in accordance with an objective procedure determined by the county commission at the time of the issuance of the warrants, or at a floating rate or rates which may change from time to time in connection with published interest rates or indexes that reflect an objective response to market changes in interest rates by banks, governmental agencies, or other generally recognized public or private sources of information concerning interest rates, and the county commission may also provide, in its discretion, that interest on the warrants may be payable in cash at fixed intervals, or through one or more payments which reflect compound interest computed at specified intervals on accrued but unpaid interest, or through a discount in the sales price for the warrants equivalent to compound interest on the warrants for all or part of the term thereof, or through any combination of the foregoing methods of providing for the payment of interest. The county commission of any county issuing the warrants shall have the power to enter into and perform all contracts with banks or trust companies, insurance or surety companies, governmental entities, investment banking firms and other persons to the extent that such county commission determines, in its discretion, that such contracts are necessary or desirable to sell and issue warrants and to secure and

provide for the payment thereof. The proceeds derived from the sale of any the warrants shall be used solely for the purpose for which they are authorized to be issued."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:33 A.M.

Act No. 98-617

H. 565 – Rep. Johnson (R)

AN ACT

To amend Section 20-5-58 of the Code of Alabama 1975, relating to the dispensing of a controlled substance; to prohibit prescriptions from being deemed readily retrievable.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 20-2-58, Code of Alabama 1975, is amended to read as follows:

"§20-2-58.

"(a) A pharmacist may dispense directly a controlled substance in Schedule II only pursuant to a written prescription signed by the practitioner. Except as provided in subsections (b) and (c), a prescription for a Schedule II controlled substance may be transmitted by the practitioner or the agent of the practitioner to a pharmacy via facsimile equipment, provided the original written, signed prescription is presented to the pharmacist for review prior to the actual dispensing of the controlled substance.

"(b) A prescription written for a Schedule II narcotic substance to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion may be transmitted by the practitioner or the agent of the practitioner to the home infusion pharmacy by facsimile. The facsimile shall serve as the original written prescription.

"(c) A prescription written for Schedule II substances for a resident of a long term care facility may be transmitted by the practitioner or the agent of the practitioner to the dispensing pharmacy by facsimile. The facsimile shall serve as the original written prescription.

"(d) Each registered pharmacy shall maintain the inventories and records of controlled substances as follows:

"(1) Inventories and records of all controlled substances listed in Schedules I and II shall be maintained separately from all other

records of the pharmacy, and prescriptions for the substances shall be maintained in a separate prescription file.

“(2) Inventories and records of controlled substances listed in Schedules III, IV and V shall be maintained either separately from all other records of the pharmacy or in the form that the information required is readily retrievable from ordinary business records of the pharmacy, and prescriptions for the substances shall be maintained either in separate prescription file for controlled substances listed in Schedules III, IV and V only or in the form that they are readily retrievable from the other prescription records of the pharmacy.

“(e) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV which is a prescription drug as determined under State Board of Health statute, shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

“(f) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:34 A.M.

Act No. 98-618

H. 204 – Reps. McMillan, Flowers, Hammett, Fuller, McDaniel, Minnifield, Carter, Gaston, Hawkins, Willis, Sanderford, Dolbare, Clouse, Baker, Knight (A), White, Hall (A), Dukes, Warren, Gaines, Laird, Layson, Morrison, Wren, Ford, Jorgensen, Turnham, Dean, Parker (P), McKee, Sims, Carns, Crigler, Hamilton,

Murphree, Gipson,
Johnson (R), Morrow and
Sanderson

AN ACT

To amend Sections 34-27-81 and 34-27-82 of the Code of Alabama 1975, the Real Estate Consumer's Agency and Disclosure Act, to change the name of the defined term "contract broker" to "transaction broker" and to further provide for real estate brokerage agreements with certain business entities and other entities for which a written disclosure form is not required; and to amend Section 34-27-8 of the Code of Alabama 1975, to make conforming code changes.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-27-81, 34-27-82 and 34-27-8 of the Code of Alabama 1975, are amended to read as follows:

"§34-27-81.

"As used in this article, the following words shall have the following meanings:

"(1) AGENCY AGREEMENT. A written agreement between a broker and a client which creates a fiduciary relationship between the broker and a principal, who is commonly referred to as a client.

"(2) BROKER. Any person licensed as a real estate broker pursuant to Articles 1 and 2 of Chapter 27 of this title.

"(3) BROKERAGE AGREEMENT. A specific written agreement between a brokerage firm and a consumer which establishes a brokerage relationship. The brokerage agreement shall contain a statement of the terms and conditions of the brokerage services to be provided.

"(4) BROKERAGE SERVICE. Any service, except for rental or property management services, provided by a broker or licensee to another person and includes all activities for which a real estate license is required under Articles 1 and 2 of Chapter 27 of this title.

"(5) CONSUMER. A person who obtains information, advice, or services concerning real estate from a real estate licensee.

"(6) CLIENT. A person who has an agency agreement with a broker for brokerage service, whether he or she be buyer or seller.

"(7) CUSTOMER. A person who is provided brokerage services by a broker or licensee but who is not a client of the broker.

"(8) DUAL AGENCY. An agency relationship in which the same brokerage firm represents both the seller and the buyer in the same real estate transaction. Circumstances which establish a dual agency include, but are not limited to, one of the following:

“a. When two or more licensees licensed under the same broker each represent a different party to the transaction.

“b. When one licensee represents both the buyer and seller in a real estate transaction.

“(9) INFORMED CONSENT. A consumer’s agreement to allow something to happen which is based upon full disclosure of facts needed to choose appropriate brokerage services.

“(10) LICENSEE. Any broker, salesperson, or company.

“(11) LIMITED CONSENSUAL DUAL AGENT. A licensee who, with the written informed consent of all parties to a contemplated real estate transaction, is engaged as an agent for both the buyer and seller. Circumstances which establish dual agency include, but are not limited to, one of the following:

“a. When two or more licensees licensed under the same broker each represent a different party to the transaction.

“b. When one licensee represents both the buyer and seller in a real estate transaction.

“(12) MATERIAL FACT. A fact that is of significance to a reasonable party which affects the party’s decision to enter into a real estate contract.

“(13) QUALIFYING BROKER. A broker under whom a corporation, partnership, or branch office is licensed, or a broker licensed to do business as a sole proprietorship who is responsible for supervising the acts of the company, or proprietorship and all real estate licensees licensed therewith.

“(14) REAL ESTATE TRANSACTION. The purchase, sale, lease and rental, option, or exchange of an interest in real estate.

“(15) SINGLE AGENT. A licensee who is engaged by and represents only one party in a real estate transaction. A single agent includes, but is not limited to, one of the following:

“a. Buyer’s agent, which means a broker or licensee who is engaged by and represents only the buyer in a real estate transaction.

“b. Seller’s agent, which means a broker or licensee who is engaged by and represents only the seller in a real estate transaction.

“(16) SUB-AGENT. A licensee who is empowered to act for another broker in performing real estate brokerage tasks for a principal, and who owes the same duties to the principal as the agent of the principal.

“(17) TRANSACTION BROKER. A licensee who assists one or more parties in a contemplated real estate transaction without being an agent or fiduciary or advocate for the interest of that party to a transaction.

“§34-27-82.

“(a) When engaged in any real estate transaction, the licensee may act as a single agent, sub-agent, a limited consensual dual agent, or as a transaction broker.

“(b) At the initial contact between a licensee and the consumer and until such time a broker enters into a specific written agreement to establish an agency relationship with one or more of the parties to a transaction, the licensee shall not be considered an agent of that consumer. An agency relationship shall not be assumed, implied, or created without a written bilateral agreement establishing the terms of the agency relationship.

“(c) As soon as reasonably possible and before any confidential information is disclosed to any other person by a licensee, the licensee shall provide a written disclosure form to a consumer for signature describing the alternative types of brokerage services, as identified in subsection (a), that are available to clients and customers of real estate brokerage companies. The licensee shall also inform a consumer as to the specific types of brokerage services that are provided by his or her company. A broker shall not be required to offer or engage in any one or in all of the alternative brokerage arrangements specified in subsection (a). The licensee will provide a written form to the consumer for their signature describing the alternative types of brokerage arrangements available. All rental or property management services are excluded from the requirements of this subsection.

“(d) A licensee shall not be required to comply with the provisions of subsection (c) when engaged in transactions with any corporation, non-profit corporation, professional corporation, professional association, limited liability company, partnership, any partnership created under the Uniform Partnership Act (commencing at Section 10-8A-101, Code of Alabama 1975), real estate investment trust, business trust, charitable trust, family trust, or any governmental entity in transactions involving real estate.

“(e) After disclosure, the consumer may make an affirmative election of a specific type of brokerage arrangement that is available from the real estate brokerage company. The brokerage agreement shall contain a statement of the terms and conditions of the brokerage services that the broker will provide. In the absence of a signed brokerage agreement between the parties, the contract brokerage relationship shall remain in effect.

“(f) When serving as a transaction broker, the duties of the licensee to all the parties to a real estate transaction are limited to those which are enumerated in Section 34-27-84. A signed brokerage agreement between the parties or, in the absence of a signed brokerage agreement, the continuation of the transaction brokerage relationship, shall constitute informed consent by the consumer as to the services the consumer shall receive from the broker.

“(g) Disclosure forms shall be provided to buyers and sellers. All real estate brokerage firms operating within the State of Alabama shall use the same agency disclosure forms. Disclosure forms describing the alternative types of brokerage services identified above shall be written by the Alabama Real Estate Commission.

“(h) Nothing in this section shall prohibit the consumer from entering into a written contract with a broker which contains provisions for services not specifically identified in the written disclosure form.

“§34-27-8.

“(a) A majority of the commission members shall constitute a quorum for the conduct of commission business. The commission may adopt and enforce all rules and regulations pursuant to the state administrative procedure statutes necessary for the administration of this chapter, and to otherwise do all things necessary and convenient for effecting this chapter.

“(b) In addition to the powers granted in this section, the commission may adopt and enforce rules and regulations governing the requirements of agency disclosure by licensed brokers and salespersons.

“(c) Each offer to purchase prepared after the effective date of the act amending this code section shall have prominently displayed the following AGENCY DISCLOSURE clause which shall be completed and initialed as indicated:

“The listing company is:

“(Two blocks may be checked)

“An agent of the seller.

“An agent of the buyer.

“An agent of both the seller and buyer and is acting as a limited consensual dual agent.

“Assisting the buyer seller as a transaction broker.

"The selling company is:

"(Two blocks may be checked)

"An agent of the seller.

"An agent of the buyer.

"An agent of both the seller and buyer and is acting as a limited consensual dual agent.

"Assisting the buyer seller as a transaction broker."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:35 A.M.

Act No. 98-619

H. 773 – Rep. Box

AN ACT

Relating to Mobile County; to prohibit municipal expansion into the Turnerville fire protection district without the approval of all of the owners of property located within the affected area or of a majority of registered voters residing in the affected area who vote at an election.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this act, the term "affected area" shall mean that portion of the Turnerville fire protection district that is proposed to be included within the boundaries of an expanding municipal police jurisdiction.

Section 2. A municipal police jurisdiction shall not expand into the Turnerville fire protection district unless the expansion into the affected area is approved by unanimous consent of all of the owners of property located and contained within the affected area, pursuant to Section 3, or approved by a majority of the votes cast at an election by the qualified electors residing in the affected area of the Turnerville fire protection district, pursuant to Section 4.

Section 3. If the planned expansion of a municipal police jurisdiction includes any portion of the Turnerville fire protection district, the owners of property located and contained within the affected area may approve the expansion by petition.

(1) If all of the owners of property located and contained within the affected area sign and file a written petition with the city clerk of the municipality requesting that the affected area be

included within the expanding municipal police jurisdiction of the municipality, the governing body of the municipality may adopt an ordinance assenting to the inclusion of the affected area in the municipal police jurisdiction. The affected area shall become a part of the expanded municipal police jurisdiction upon the date of publication of the ordinance.

(2) The petition required by this section shall contain an accurate description of the affected area together with a map of the area showing its relationship to the municipal police jurisdiction to which the property is proposed to be included and the signatures of all the owners of property located and contained within the affected area.

(3) If the expansion of a municipal police jurisdiction into an affected area is approved, pursuant to this section, by unanimous consent of all of the owners of property located and contained within the affected area and by the adoption of an ordinance by the municipality, the governing body shall file a description of the expanded municipal police jurisdiction in the office of the Judge of Probate of Mobile County.

Section 4. (a) If the planned expansion of a municipal police jurisdiction includes any portion of the Turnerville fire protection district, the council or governing body of the respective municipality may request that the Judge of Probate of Mobile County order an election to be held in the affected area. Only those qualified electors residing within the boundaries of the affected area shall participate in the election.

(1) The council or governing body of the municipality may pass a resolution stating that the public health or public good requires that the affected area, as described in the resolution, shall be brought within the police jurisdiction of the municipality.

(2) The mayor or other executive head of the municipality shall certify and file a copy of the resolution together with a map of the area showing its relationship to the municipal police jurisdiction to which the property is proposed to be included, with the judge of probate.

(3) At the election there shall be submitted to the qualified electors residing within the affected area the question: "Shall the following affected area be included within the police jurisdiction of the municipality of _____? Yes ____ No ____.

Description of Affected Area

(insert description)"

(4) Unless the majority of votes cast at the election are in the affirmative on the question of inclusion of the affected area, the affected area shall not be included within the police jurisdiction of the municipality.

(b) (1) Within 10 days of the date of the filing of the certified resolution, the judge of probate shall order an election to be held on a day not less than 20 days nor more than 40 days from the date on which he or she enters the order.

(2) The provisions of the election laws governing the registration of voters, equipment at polling places, furnishing of supplies, appointment of election officers, voting, and canvassing returns at a general election shall apply to any election called pursuant to this act.

The judge of probate shall give notice of the election by publishing for three weeks, at least once a week, on the same day of each week, in a newspaper of general circulation in the area where the election is to be held, a notice that on the day set for the election the question to be then voted on shall be submitted to the qualified electors of the affected area.

(4) The governing body of the municipality with the expanding police jurisdiction shall pay for the necessary expense of advertising and conducting the election out of the general fund of the municipality.

(c) The police jurisdiction of the municipality shall not include the affected area unless the inclusion is approved by the majority of votes cast at the election at which the proposed inclusion is submitted. Upon the officers canvassing the returns of the election certifying that a majority of votes cast were in favor of the inclusion of the affected area in the police jurisdiction of the municipality, the affected area shall be included within the police jurisdiction of the municipality.

Section 5. The owners of property located and contained within an affected area created before the effective date of this act may, pursuant to the unanimous petition and election procedures specified in Sections 3 and 4, respectively, choose to be omitted from that police jurisdiction. If the election procedures of Section 4 are followed, the Judge of Probate of Mobile County shall order an election to be held in the affected area at the request of at least ten percent of the qualified electors who reside within the boundaries of the affected area.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:36 A.M.

Act No. 98-620

H. 865 – Rep. Hammett

AN ACT

Relating to Covington County; providing for the salary of the sheriff commencing with the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with the next term of office in January 1999, the annual salary of the sheriff of Covington County shall be forty-eight thousand dollars (\$48,000), which shall be paid in the same manner and at the same time as other county employees.

Section 2. The salary provided in this act shall be in lieu of any other salary provided for by general or local law.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:37 A.M.

Act No. 98-621

H. 861 – Rep. Newton (C)

AN ACT

Relating to Crenshaw County; amending Act 87-420 of the 1987 Regular Session (Acts 1987, p. 617), relating to the construction, maintenance, and repair of the public roads and bridges under the county unit system, to further provide for the employment of the county engineer.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 87-420 of the 1987 Regular Session (Acts 1987, p. 617), is amended to read as follows:

Section 1. “Section 1. The Crenshaw County Commission, or any succeeding county governing body performing the functions of

the county governing body in said county, shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he or she shall devote his or her entire time and attention to the maintenance and construction of the Crenshaw County public roads, highways, bridges and ferries."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:38 A.M.

Act No. 98-622

H. 928 – Reps. Page, Galliher and Ford
AN ACT

Relating to Etowah County; repealing Acts 1183 and 1494, 1971 Regular Session, relating to the residency requirement of members of the Gadsden Police and Fire Departments.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 1183 and Act 1494, 1971 Regular Session, relating to the residency requirement of members of the Gadsden Police and Fire Departments, are repealed.

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:39 A.M.

Act No. 98-623

H. 822 – Rep. Box

AN ACT

To alter and rearrange the boundary lines and corporate limits of the municipality of Saraland in Mobile County to remove certain property from the corporate limits of the municipality of Saraland; and to provide for the effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Saraland in Mobile County are altered and rearranged to remove from the corporate limits of the municipality all of the following territory which lands are deannexed and removed

from within the boundary lines and corporate limits of the municipality of Saraland:

In Sec 34 T2S RIW

Parcel "C" of Fogarty subdivision according to the map thereof recorded in map book 16, page 73 in the Office of the Judge of Probate of Mobile County, Alabama.

Sec 4 T3S RIW

Lot 19, Bethel Forest, Unit 2, as recorded in map book 17, page 51, in the Office of the Judge of Probate Court of Mobile County, Alabama.

Sec 08 T3S RIW

Lot A resubdivision of Lot 31, Cleveland's eighth addition to Saraland as recorded in map book 31, page 75 in the Office of the Judge of Probate of Mobile County, Alabama.

Lot B of the resubdivision of Lot 31, Cleveland's eighth addition to Saraland as recorded in map book 31, page 75 in the Office of the Judge of Probate of Mobile County, Alabama.

Sec 32 T2S RIW

Lot 17, Alvarez's first addition to Saraland, according to a plat thereof recorded in map book 6, pages 79-80 of the records in the Office of the Judge of Probate Court of Mobile County, Alabama.

Sec 32 T2S RIW

Lot 1 & 2 (west side subdivision) resubdivision of lots 18 & 19 Alvarez's first addition to Saraland, as recorded in map book 44, page 3 of the records in the Office of the Judge of Probate Court of Mobile County, Alabama.

Sec 32 T2S RIW

Lot 20 in Alvarez's first addition to Saraland, according to the plat thereof recorded in map book 6, pages 79-80 of the records in the Office of the Judge of the Probate County, Mobile County, Alabama.

Sec 32 T2S RIW 21

Lot 21, Alvarez's first addition to Saraland, according to plat thereof recorded in map book 6, page 79 in the records in the Office of the Judge of Probate of Mobile County, Alabama.

Sec 32 T2S RIW

Lot 25, of Alvarez's second addition to Saraland, according to the plat thereof recorded in map book 9, page 249 of the Office of the Judge of Probate Court of Mobile County, Alabama.

Section 2. In accordance with Section 11-42-6 of the Code of Alabama 1975, a map showing the proposed territory to be removed from the municipality of Saraland and annexed in the municipality of Mobile is on file and open to public inspection in the office of the Judge of Probate in Mobile County, Alabama.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law. This act shall not become effective if the city council of Saraland rejects this act by resolution duly adopted no later than 30 days next following the date of its passage and approval by the Governor or its otherwise becoming a law.

Approved May 6, 1998

Time: 11:40 A.M.

Act No. 98-624

H. 953 – Rep. Letson

AN ACT

To alter and rearrange the boundary lines and corporate limits of the municipalities of Courtland and North Courtland in Lawrence County to remove certain property from the corporate limits of the municipality of Courtland and to include the territory within the corporate limits of the municipality of North Courtland and to remove certain property from the corporate limits of the municipality of North Courtland and to include the territory within the corporate limits of the municipality of Courtland.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipalities of Courtland and North Courtland in Lawrence County are altered and rearranged to remove from the municipality of Courtland all of the following territory and to include the territory within the corporate limits of the municipality of North Courtland:

A tract of land in the Northwest 1/4 of Section 29, T-4-S, R-7-W, Lawrence County, Alabama and being more particularly described as follows, to-wit: Begin at the Northwest corner of said Section 29; thence East for 285.70 feet to the Southwest right of way of Alabama Highway No. 20; thence along said right of way South 40 degrees 39 minutes 59 seconds East for 386.89 feet to the Southeast right of way of a paved County Road; thence along said right of way South 53 degrees 14 minutes 08 seconds West for 261.40 feet to the PC of a curve to the right having a radius of 716.87 feet; thence along said curve for 367.78 feet; thence leaving said right of way North 00 degrees 51 minutes 00 seconds East for 586.65 feet to the point of beginning. Said tract contains 5.02 acres, more or less.

Section 2. The boundary lines and corporate limits of the municipalities of North Courtland and Courtland in Lawrence

County are altered and rearranged to remove from the corporate limits of the municipality of North Courtland all of the following territory and to include the territory within the corporate limits of the municipality of Courtland:

A tract of land in Section 30, T-4-S, R-7-W, Lawrence County, Alabama and being more particularly described as follows, to-wit: Commence at the Southeast corner of Lot 7 Block B5, of the M.E.P. McMahan Subdivision of the Town of Courtland, Alabama, a plat of which is recorded in Plat Book 1, Page 10, in the Office of the Judge of Probate of Lawrence County, Alabama; thence South 00 degrees 46 minutes 42 seconds East for 211.38 feet; thence North 87 degrees 47 minutes 53 seconds West for 306.35 feet to the point of beginning; thence South 33 degrees 47 minutes 01 second East for 9.67 feet; thence South 02 degrees 59 minutes 36 seconds East for 280.24 feet; thence South 01 degree 50 minutes 35 seconds West for 251 feet to the present Courtland City Limit Line; thence along said Courtland City Limit line North 89 degrees 06 minutes 47 seconds West for 173.90 feet; thence North 02 degrees 02 minutes 59 seconds West for 50.38 feet; thence South 89 degrees 32 minutes 39 seconds West for 171.63 feet; thence North 00 degrees 06 minutes 38 seconds West for 530.64 feet; thence North 88 degrees 49 minutes 15 seconds East for 303.14 feet; thence South 33 degrees 47 minutes 01 second East for 59.91 feet to the point of beginning. Said tract contains 4.46 acres, more or less.

Section 3. In accordance with Section 11-42-6 of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to and deannexed from the municipalities of Courtland and North Courtland and is on file in the office of the Judge of Probate in Lawrence County, Alabama, and the map is open to the inspection of the public.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:41 A.M.

Act No. 98-625

H. 969 – Reps. McMillan and Penry

AN ACT

Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama, by annexing certain territory to the City, to make certain findings in regard to the public necessity for the annexation, to provide that the existence of other police jurisdictions shall not affect the validity of the annexation, and to provide that the City shall exercise full municipal authority over the annexed territory.

Be It Enacted by the Legislature of Alabama:

Section 1. Findings: The Legislature hereby finds and determines that it is expedient, wise, necessary, proper and in the best interests of the citizens of the State of Alabama, Baldwin County and the City of Foley to alter, rearrange and extend the corporate limits of the City of Foley as herein provided, including but not limited to the purpose of generally promoting the welfare of the State of Alabama, Baldwin County and the City of Foley and specifically, but not limited to, the initial purpose of facilitating the City of Foley in providing certain services to the areas to be annexed. Provided, however, the foregoing shall not be construed to limit in any manner or otherwise curtail the exercise of any municipal powers and authorities by the City of Foley nor prohibit future or subsequent annexations in accordance with the provisions hereof and the laws of the State.

Section 2. Jurisdiction: All territory brought within the corporate limits of the City of Foley under the provisions of this Act shall be subject to the laws and ordinances of the City of Foley, and the Mayor and City Council shall have and exercise the same jurisdiction over such territory as is exercised over any other territory within the corporate limits of the City of Foley.

Section 3. Legal Description: The boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following tracts or territories, to-wit:

BEING A PARCEL OF LAND LYING IN THE NORTH HALF OF SECTION 13, T-8-S, R-4-E, BALDWIN COUNTY, ALABAMA, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE SOUTH 44 DEGREES 45' 51" EAST, 56.51 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY OF BALDWIN COUNTY ROAD NO. 12 WITH THE EAST RIGHT OF WAY OF WOLF BAY DRIVE, SAME ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 89 DEGREES 49' 12" EAST, ALONG SAID SOUTH RIGHT OF WAY, 1271.50 FEET; THENCE SOUTH 00 DEGREES 13' 62" EAST, 1158.50 FEET TO THE CENTER OF OWENS CREEK; THENCE EAST-ERLY, ALONG THE MEANDERS OF SAID CENTER OF SAID CREEK THE FOLLOWING FORTY-ONE, (41), BEARING AND DISTANCES: (01): SOUTH 81 DEGREES 20' 58" EAST, 27.47 FEET; (02); NORTH 31 DEGREES 47' 56" EAST, 117.68 FEET; (03): NORTH 83 DEGREES 39' 35" EAST, 18.11 FEET; (04):

SOUTH 04 DEGREES 01' 42" WEST, 142.35 FEET; (05): SOUTH 72 DEGREES 38' 46" EAST, 33.53 FEET; (06): NORTH 77 DEGREES 28' 16" EAST, 46.10 FEET; (07): NORTH 41 DEGREES 59' 14" EAST, 67.27 FEET; (08): NORTH 29 DEGREES 03' 17" EAST, 51.48 FEET; (09): NORTH 17 DEGREES 21' 14" WEST, 83.81 FEET; (10): NORTH 45 DEGREES 00' 00" EAST, 35.36 FEET; (11): SOUTH 75 DEGREES 57' 50" EAST, 20.62 FEET; (12): SOUTH 31 DEGREES 33' 43" EAST, 82.15 FEET; (13): SOUTH 68 DEGREES 02' 22" EAST, 66.85 FEET; (14): NORTH 52 DEGREES 02' 39" EAST, 60.44 FEET; (15): NORTH 62 DEGREES 44' 41" EAST, 37.12 FEET; (16): SOUTH 85 DEGREES 27' 44" EAST, 63.20 FEET; (17): SOUTH 82 DEGREES 08' 48" EAST, 87.82 FEET; (18): SOUTH 44 DEGREES 27' 16" EAST, 74.25 FEET; (19): SOUTH 09 DEGREES 17' 38" WEST, 55.73 FEET; (20): SOUTH 26 DEGREES 33' 54" EAST, 44.72 FEET; (21): SOUTH 59 DEGREES 32' 04" EAST, 39.45 FEET; (22): SOUTH 85 DEGREES 27' 44" EAST, 63.20 FEET; (23): SOUTH 66 DEGREES 11' 55" EAST, 32.31 FEET; (24): SOUTH 33 DEGREES 41' 24" EAST, 21.63 FEET; (25): SOUTH 28 DEGREES 36' 38" WEST, 25.06 FEET; (26): SOUTH 84 DEGREES 17' 22" WEST, 30.15 FEET; (27): NORTH 85 DEGREES 27' 44" WEST, 63.20 FEET; (28): SOUTH 52 DEGREES 21' 09" WEST, 44.20 FEET; (29): SOUTH 39 DEGREES 48' 20" WEST, 62.48 FEET; (30): SOUTH 59 DEGREES 02' 10" EAST, 46.65 FEET; (31): SOUTH 88 DEGREES 21' 48" EAST, 35.01 FEET; (32): NORTH 78 DEGREES 20' 27" EAST, 64.33 FEET; (33): NORTH 54 DEGREES 07' 49" EAST, 80.21 FEET; (34): NORTH 46 DEGREES 23' 50" EAST, 29.00 FEET; (35): SOUTH 71 DEGREES 33' 54" EAST, 9.49 FEET; (36): SOUTH 03 DEGREES 33' 06" WEST, 145.28 FEET; (37): NORTH 86 DEGREES 16' 07" EAST, 46.10 FEET; (38): SOUTH 43 DEGREES 36' 10" EAST, 50.00 FEET; (39): NORTH 56 DEGREES 53' 19" EAST, 54.92 FEET; (40): SOUTH 66 DEGREES 48' 05" EAST, 15.23 FEET; (41): NORTH 22 DEGREES 32' 54" EAST, 58.24 FEET; THENCE SOUTH 00 DEGREES 13' 09" WEST, 1149.86 FEET TO THE NORTH RIGHT OF WAY OF SAID WOLF BAY DRIVE; THENCE SOUTH 89 DEGREES 57' 22" WEST, ALONG SAID NORTH RIGHT OF WAY, 1018.20 FEET; THENCE SOUTH 89 DEGREES 57' 42" WEST, CONTINUING ALONG SAID NORTH RIGHT OF WAY, 2642.23 FEET TO THE P.C. OF A CURVE IN SAID RIGHT OF WAY, HAVING A RADIUS OF 37.32 FEET; THENCE NORTHWESTERLY, 58.53 FEET ALONG THE ARC OF SAID CURVE, A CHORD BEARING AND DISTANCE OF NORTH 44 DEGREES 52' 40" WEST, 52.92 FEET TO THE P.T. OF SAID CURVE AND ALSO BEING ON THE EAST RIGHT OF WAY OF WOLF BAY DRIVE; THENCE

NORTH 00 DEGREES 16' 59" EAST, ALONG SAID EAST RIGHT OF WAY, 2540.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN AND CONTAINING 190.0 ACRES OF LAND MORE OR LESS.

BEARING BASIS: THE NORTH LINE OF THE NORTH-WEST 1/4 OF SAID SECTION 13 WAS HELD TO BE SOUTH 89 DEGREES 49' 12" EAST.

Section 4. Map: A map showing the above described territory sought to be annexed into the City of Foley, Baldwin County, by the provisions of this Act, is on file in the office of the Judge of Probate, Baldwin County, Alabama, and is open to inspection by the public.

Section 5. Severability: The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:42 A.M.

Act No. 98-626

H. 925 – Reps. McMillan and Penry

AN ACT

Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama, by annexing certain territory to the City, to make certain findings in regard to the public necessity for the annexation, to provide that the existence of other police jurisdictions shall not affect the validity of the annexation, to provide that the City shall exercise full municipal authority over the annexed territory, and to provide for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Findings: The Legislature hereby finds and determines that it is expedient, wise, necessary, proper and in the best interests of the citizens of the State of Alabama, Baldwin County and the City of Foley to alter, rearrange and extend the corporate limits of the City of Foley as herein provided, including but not limited to the purpose of generally promoting the welfare of the State of Alabama, Baldwin County and the City of Foley and specifically, but not limited to, the initial purpose of facilitating the City of Foley in providing certain services to the areas to be annexed. Provided, however, the foregoing shall not be construed

to limit in any manner or otherwise curtail the exercise of any municipal powers and authorities by the City of Foley nor prohibit future or subsequent annexations in accordance with the provisions hereof and the laws of the State.

Section 2. Jurisdiction: All territory brought within the corporate limits of the City of Foley under the provisions of this Act shall be subject to the laws and ordinances of the City of Foley, and the Mayor and City Council shall have and exercise the same jurisdiction over such territory as is exercised over any other territory within the corporate limits of the City of Foley.

Section 3. Legal Description: The boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following tracts or territories, to-wit:

Graham Creek Estates, Unit One:

Commence at the Northeast corner of the Southeast Quarter of Section 13, Township 8 South, Range 4 East; run thence South 00 degrees 01' 36" West for 40.0 feet to the South right-of-way line of Deyampert Lane; run thence South 89 degrees 44' 33" West along said South right-of-way line for 679.44 feet to the Point of Beginning; run thence North 89 degrees 44' 33" East along said South right-of-way line for 560.0 feet; run thence South 00 degrees 05' 07" East for 700.0 feet; run thence South 60 degrees 24' 53" East for 345.0 feet; run thence South 51 degrees 24' 53" East for 1000.75 feet; run thence North 87 degrees 54' 31" East for 374.80 feet to the West boundary of Bay Forest Estates as recorded in Map Book 11, Pages 77A-77C of the Baldwin County Probate Records; run thence South 00 degrees 00' 00" West along the West boundary of said Bay Forest Estates for 806 feet, more or less, to the North margin of Graham Creek; run thence in a Westwardly direction along the meanders of said Graham Creek to a point that is South 00 degrees 05' 07" West for 1491 feet, more or less, from the Point of Beginning; run thence North 00 degrees 05' 07" West for 1491 feet, more or less, to the South right-of-way of Deyampert Lane and the Point of Beginning. Said land containing 46 acres, more or less and being in Section 13, Township 8 South, Range 4 East, and Section 18, Township 8 South, Range 5 East, Baldwin County, Alabama.

Graham Creek Estates, Unit Two:

Beginning at the Southwest Corner of Lot 39 of Graham Creek Estates, Unit 1, as recorded in Slide No. 1183-B, thence run N 60 degrees 12' 30" W for a distance of 130.00 feet to a point; thence

run N 00 degrees 07' 59" E for a distance of 700.12 feet to a point; thence run N 89 degrees 37' 00" E for a distance of 664.98 feet to a point; thence run N 89 degrees 32' 20" E for a distance of 110.01 feet to a point; thence run N 89 degrees 37' 45" E for a distance of 682.93 feet; thence run S 00 degrees 12' 14" W for a distance of 1496.01 feet; thence run S 88 degrees 06' 53" W for a distance of 374.80 feet to a point; thence run N 51 degrees 12' 31" W for a distance of 1000.75 feet to a point; thence run N 60 degrees 12' 31" W for a distance of 215.00 feet to the Point of Beginning.

Said land being in Section 18, Township 8 South, Range 5 East, Baldwin County, Alabama.

Section 4. Map: a map showing the above described territory sought to be annexed into the City of Foley, Baldwin County, by the provisions of this Act, is on file in the office of the Judge of Probate, Baldwin County, Alabama, and is open to inspection by the public.

Section 5. Referendum: The Judge of Probate of Baldwin County, Alabama shall, within 20 days of the effective date of this Act, make and enter an order upon the minutes of the Court, directing and ordering a referendum to be held by the qualified electors residing within the territory described above not less than 20 days nor more than 40 days from the date of the making of the Order. The Judge shall give notice of the holding of the referendum by publication in the newspaper published within the area sought to be annexed, which notice shall state the day and times which the referendum is to be held, the voting place(s) within the above described area to be annexed, and the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Foley, and the notice shall give a description of the territory proposed to be annexed and shall state that a map of the territory is on file in the office of the Judge of Probate of Baldwin County, open to the inspection of the public. In addition, the referendum shall be conducted according to the following specifications:

1. The judge of probate may designate as many places within the territory proposed to be annexed as he or she may deem necessary for the convenience of the voters and shall designate the boundaries within which the voters shall reside to vote at the respective voting places and shall appoint three inspectors of election, two clerks and one returning officer for each voting place. The inspectors shall manage the referendum at the respective voting places at which they are appointed as inspectors.

2. Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the City of Foley for three

months next preceding the referendum date may vote at the referendum, but shall vote at the voting place designated by the Judge of Probate for voters in the territory in which he or she resides.

3. The referendum to determine whether or not the proposed territory shall be brought within the corporate limits shall be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as changed by the provisions of this Act.

4. The official ballot will be provided, and it shall have the following words written or printed thereon:

“For annexation ()” and “Against annexation ()”.

5. The inspectors at the respective voting places shall, as soon as the polls are closed, ascertain and certify the results of the referendum at their respective voting places to the Judge of Probate and deliver the same to the returning officer, who shall at once return the same to the Judge of Probate, and the Judge of Probate shall canvass the return as made by the inspectors and if it appears that a majority of the votes cast at the election were “for annexation,” the Judge shall make and enter an order on the records of the Probate Court adjudging and decreeing the corporate limits of the City of Foley to be extended so as to include the territory described in this Act and shall cause this Act, the map and all orders or decrees or judgments to be recorded in the records in the Sheriff's office, and from the time of the entry of the order the territory shall be a part of and within the corporate limits of the City of Foley.

6. If it appears that a majority of the votes cast at the referendum are “against annexation,” the Judge of Probate shall make and enter an order on the records of the Court adjudging and decreeing that a majority of the votes at the referendum were cast against coming into the corporate limits of the City of Foley and that the territory described and designated in this Act and the plat or map attached shall not form a part of or be embraced in the City of Foley until it may thereafter be brought into the City of Foley as a part thereof. Also, if the majority are “against annexation,” this Act shall have no further effect.

7. The results of the referendum may be contested by any qualified elector voting at the referendum in the manner provided for contest of general municipal elections, making the City of Foley the contestee. The City of Foley shall pay all of the costs and expenses incidental to the referendum.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, upon its otherwise becoming a law.

Approved May 6, 1998

Time: 11:43 A.M.

Act No. 98-627

H. 515 – Reps. Vance, Knight (A), Hawkins, Turnham, Dolbare, Moore, Hawk and Jackson

AN ACT

To amend Section 16-11-3 of the Code of Alabama 1975, relating to the date upon which appointed members of city boards of education assume office; to change this date to the first regular board meeting in June following their appointment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-11-3 of the Code of Alabama 1975, is amended to read as follows:

“§16-11-3.

“Annually at the regular meetings of the city council or commission in April the council or commission shall elect a member or members of the board of education to succeed those whose term or terms of office expire that year. Members of the city board of education shall assume office at the next regular meeting of the city board of education in June following their appointment. The terms of office of members of the city board of education shall be five years, and the term of one member shall expire annually. A member shall serve on the board until his or her successor assumes office. In the event of a vacancy in the membership of the city board of education by resignation or otherwise, the fact shall be reported to the city council or commission by the board, and the council or commission shall elect a person to fill the vacancy for the unexpired term.”

Section 2. Notwithstanding any other provisions herein, this act shall not apply to any Class 1 municipality.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 11:44 A.M.

Act No. 98-628

H. 883 – Rep. Hawkins

AN ACT

To amend Section 22 of Act 97-678, now appearing as Section 11-49B-22, Code of Alabama 1975, to reduce the rate of the privilege license tax which may be levied by an authority created by a Class 1 municipality against any person, firm, or corporation engaged in the sale of automotive vehicles from 1/4 percent to 1/32 percent.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22 of Act 97-678, now appearing as Section 11-49B-22, Code of Alabama 1975, is amended to read as follows:

“§11-49B-22.

“(a) The authority shall, subject to a referendum in the counties it proposes to serve, levy, in addition to all other taxes, including, but not limited to, municipal gross receipts license taxes, a 1/4 percent privilege license tax against gross sales or gross receipts, provided, however, that the rate of such tax on any person, firm, or corporation engaged in the type of business described in Section 40-23-2(4) shall be an amount equal to 1/32 percent of the gross proceeds from sales described in such section.

“The gross receipts of any business and the gross proceeds of all sales which are presently exempt under the state sales and use tax statutes are exempt from the tax authorized by this chapter.

“(b) The tax levied by this chapter shall be collected by the State Department of Revenue, the authority, the county, or by contract to a business that collects sales tax at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all the sales and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department may require. Any person subject to the tax levied by this chapter may defer reporting credit sales until after their collection, and in the event the person defers reporting them, the person shall thereafter include in each monthly report all credit collections made during the preceding month, and shall pay the tax due at the time of filing the report. All reports filed with the department under this section shall be available for inspection by the county commission, or its designee.

“(c) Each person engaging or continuing in a business subject to the tax levied by this chapter, shall add to the sales price or admission

fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for any person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required to be added to the sale or admission price. It shall be unlawful for any person subject to the tax levied by this chapter to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of any portion of the tax.

“(d) The tax levied by this chapter shall constitute a debt due the authority. The tax, together with any interest and penalties, shall constitute and be secured by a lien upon the property of any person from whom the tax is due or who is required to collect the tax. The department shall collect the tax, enforce this chapter, and have and exercise all rights and remedies that the state or the department has for collection of the state sales and use tax. The department may employ special counsel as is necessary to enforce collection of the tax levied by this chapter and to enforce this chapter. The department shall pay the special counsel any fees it deems necessary and proper from the proceeds of the tax collected by it for the authority.

“(e) All provisions of the state sales and use tax statutes with respect to the payment, assessment, and collection of the state sales and use tax, making of reports, keeping and preserving records, penalties for failure to pay the tax, promulgating rules and regulations with respect to the state sales and use tax, and the administration and enforcement of the state sales and use tax statutes which are not inconsistent with this chapter shall apply to the tax levied under this chapter, including, without limitation, the provisions of Section 40-23-2(4). The State Commissioner of Revenue and the department shall have and exercise the same powers, duties, and obligations with respect to the tax levied under this chapter that are imposed on the commissioner and department by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this chapter to the tax levied under this chapter, and to the administration and enforcement of this chapter, are incorporated by reference and made a part of this chapter as if fully set forth herein.

“(f) The department shall charge the authority for collecting the tax levied under this chapter in an amount or percentage of total collections as may be agreed upon by the commissioner and the authority. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due the authority for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this chapter, as the tax is received by the

department on or before the first day of each successive month. The commissioner shall certify to the State Comptroller the amount collected and paid into the State Treasury for the benefit of the authority during the month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the authority in an amount equal to the certified amount which shall be paid into the authority general fund to be used to fund the authority.

“(g) This chapter shall be inoperative and void unless it is approved by a majority of the qualified electors of the county who vote thereon at the next general, primary, or special election in the county. The election shall be held and conducted as are elections on constitutional amendments on a date determined by the county commission. Notice of the election shall be given by the judge of probate and shall be published once a week for three successive weeks before the day of the election. On the ballots used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law authorizing the authority to levy a 1/4 percent sales tax to be used to fund the transportation authority? Yes _____ No _____.”

“If a majority of the votes cast at the election are affirmative votes, this chapter shall have full force and effect on the first day of the second month following the election. If a majority of the votes cast are negative votes, this chapter shall have no further effect. The judge of probate shall certify the results of the election to the Secretary of State.

“(h) The failure of the referendum in one county shall not preclude the establishment of an authority, and subsequent referendums may be held pursuant to this section without prior legislative approval.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:45 A.M.

Act No. 98-629

H. 904 – Reps. McMillan, Penry and Warren

AN ACT

Relating to Baldwin County; to alter, rearrange, and extend the boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama, by annexing certain territory to the city, to make certain findings in regard to the public necessity for the annexation, to provide that the existence of other police jurisdictions shall not affect the validity of the annexation, to provide that the city shall exercise full municipal authority over the annexed territory, and to provide for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Findings: The Legislature hereby finds and determines that it is expedient, wise, necessary, proper and in the best interests of the citizens of the State of Alabama, Baldwin County and the City of Foley to alter, rearrange and extend the corporate limits of the City of Foley as herein provided, including but not limited to the purpose of generally promoting the welfare of the State of Alabama, Baldwin County and the City of Foley and specifically, but not limited to, the initial purpose of facilitating the City of Foley in providing certain services to the areas to be annexed. Provided, however, the foregoing shall not be construed to limit in any manner or otherwise curtail the exercise of any municipal powers and authorities by the City of Foley nor prohibit future or subsequent annexations in accordance with the provisions hereof and the laws of the State.

Section 2. Jurisdiction: All territory brought within the corporate limits of the City of Foley under the provisions of this Act shall be subject to the laws and ordinances of the City of Foley, and the Mayor and City Council shall have and exercise the same jurisdiction over such territory as is exercised over any other territory within the corporate limits of the City of Foley.

Section 3. Legal Description: The boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following tracts or territories, to-wit:

WOLF BAY PINES:

Commence at the Southeast corner of the West 1/2 of the Northwest Quarter of Section 18, Township 8 South, Range 5 East for the Point of Beginning; run thence West for 1261.24 feet; run thence North 0014'20" East for 1290 feet, more or less, to the South margin of Owens Creek; run thence in an Easterly direction along said margin of Owens Creek to a point that is North 0012'27" East and 1293 feet, more or less, from the Point of Beginning; run thence South 0012'20" West for 1293 feet, more or less, to the Point of Beginning. Said land being in Section 18, Township 8 South, Range 5 East, Baldwin County, Alabama.

Section 4. Map: A map showing the above described territory sought to be annexed into the City of Foley, Baldwin County, by the provisions of this Act, is on file in the office of the Judge of Probate, Baldwin County, Alabama, and is open to inspection by the public.

Section 5. Referendum: The Judge of Probate of Baldwin County, Alabama shall, within 20 days of the effective date of this

Act, make and enter an order upon the minutes of the Court, directing and ordering a referendum to be held by the qualified electors residing within the territory described above not less than 20 days nor more than 40 days from the date of the making of the Order. The Judge shall give notice of the holding of the referendum by publication in the newspaper published within the area sought to be annexed, which notice shall state the day and times which the referendum is to be held, the voting place(s) within the above described area to be annexed, and the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Foley, and the notice shall give a description of the territory proposed to be annexed and shall state that a map of the territory is on file in the office of the Judge of Probate of Baldwin County, open to the inspection of the public. In addition, the referendum shall be conducted according to the following specifications:

1. The judge of probate may designate as many places within the territory proposed to be annexed as he or she may deem necessary for the convenience of the voters and shall designate the boundaries within which the voters shall reside to vote at the respective voting places and shall appoint three inspectors of election, two clerks and one returning officer for each voting place. The inspectors shall manage the referendum at the respective voting places at which they are appointed as inspectors.

2. Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the City of Foley for three months next preceding the referendum date may vote at the referendum, but shall vote at the voting place designated by the Judge of Probate for voters in the territory in which he or she resides.

3. The referendum to determine whether or not the proposed territory shall be brought within the corporate limits shall be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as changed by the provisions of this Act.

4. The official ballot will be provided, and it shall have the following words written or printed thereon:

“For annexation ()” and “Against annexation ()”.

5. The inspectors at the respective voting places shall, as soon as the polls are closed, ascertain and certify the results of the referendum at their respective voting places to the Judge of Probate and deliver the same to the returning officer, who shall at once return the same to the Judge of Probate, and the Judge of Probate shall

canvass the return as made by the inspectors and if it appears that a majority of the votes cast at the election were "for annexation," the Judge shall make and enter an order on the records of the Probate Court adjudging and decreeing the corporate limits of the City of Foley to be extended so as to include the territory described in this Act and shall cause this Act, the map and all orders or decrees or judgments to be recorded in the records in the Sheriff's office, and from the time of the entry of the order the territory shall be a part of and within the corporate limits of the City of Foley.

6. If it appears that a majority of the votes cast at the referendum are "against annexation," the Judge of Probate shall make and enter an order on the records of the Court adjudging and decreeing that a majority of the votes at the referendum were cast against coming into the corporate limits of the City of Foley and that the territory described and designated in this Act and the plat or map attached shall not form a part of or be embraced in the City of Foley until it may thereafter be brought into the City of Foley as a part thereof. Also, if the majority are "against annexation," this Act shall have no further effect.

7. The results of the referendum may be contested by any qualified elector voting at the referendum in the manner provided for contest of general municipal elections, making the City of Foley the contestee. The City of Foley shall pay all of the costs and expenses incidental to the referendum.

Section 6. Severability: The provisions of this Act are severable. If any part or provision of this act is declared invalid or unconstitutional, such declaration shall not affect the part of portions which remain.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 11:46 A.M.

Act No. 98-630

H. 906 – Reps. McMillan, Penry and Warren

AN ACT

Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama, by annexing certain territory to the city, to make certain findings in regard to the public necessity for the annexation, to provide that the existence of other police jurisdictions shall not affect the validity of the annexation, to provide that the city shall exercise full municipal authority over the annexed territory, and to provide for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Findings: The Legislature hereby finds and determines that it is expedient, wise, necessary, proper and in the best interests of the citizens of the State of Alabama, Baldwin County and the City of Foley to alter, rearrange and extend the corporate limits of the City of Foley as herein provided, including but not limited to the purpose of generally promoting the welfare of the State of Alabama, Baldwin County and the City of Foley and specifically, but not limited to, the initial purpose of facilitating the City of Foley in providing certain services to the areas to be annexed. Provided, however, the foregoing shall not be construed to limit in any manner or otherwise curtail exercise of any municipal powers and authorities by the City of Foley nor prohibit future or subsequent annexations in accordance with the provisions hereof and the laws of the State.

Section 2. Jurisdiction: All territory brought within the corporate limits of the City of Foley under the provisions of this Act shall be subject to the laws and ordinances of the City of Foley, and the Mayor and City Council shall have and exercise the same jurisdiction over such territory as is exercised over any other territory within the corporate limits of the City of Foley.

Section 3. Legal Description: The boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following tracts or territories, to-wit:

Bay Forest Estates:

The East one-half (1/2) of the Northwest Quarter and the Northeast Quarter lying South and West of Sandy and Miflin Creeks, Section 18, Township 8 South, Range 5 East, containing approximately 74 acres and the East one-half (1/2) of the Southwest Quarter and the Southeast Quarter lying North of Graham Bayou and West of Wolf Bay, Section 18, Township 8 South, Range 5 East, containing approximately 135 acres.

Section 4. Map: A map showing the above described territory sought to be annexed into the City of Foley, Baldwin County, by the provisions of this Act, is on file in the office of the Judge of Probate, Baldwin County, Alabama, and is open to inspection by the public.

Section 5. Referendum: The Judge of Probate of Baldwin County, Alabama shall, within 20 days of the effective date of this Act, make and enter an order upon the minutes of the Court, directing and ordering a referendum to be held by the qualified

electors residing within the territory described above not less than 20 days nor more than 40 days from the date of the making of the order. The Judge shall give notice of the holding of the referendum by publication in the newspaper published within the area sought to be annexed, which notice shall state the day and times which the referendum is to be held, the voting place(s) within the above described area to be annexed, and the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Foley, and the notice shall give a description of the territory proposed to be annexed and shall state that a map of the territory is on file in the office of the Judge of Probate of Baldwin County, open to the inspection of the public. In addition, the referendum shall be conducted according to the following specifications:

1. The Judge of Probate may designate as many places within the territory proposed to be annexed as he or she may deem necessary for the convenience of the voters and shall designate the boundaries within which the voters shall reside to vote at the respective voting places and shall appoint three inspectors of election, two clerks and one returning officer for each voting place. The inspectors shall manage the referendum at the respective voting places at which they are appointed as inspectors.

2. Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the City of Foley for three months next preceding the referendum date may vote at the referendum, but shall vote at the voting place designated by the Judge of Probate for voters in the territory in which he or she resides.

3. The referendum to determine whether or not the proposed territory shall be brought within the corporate limits shall be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as changed by the provisions of this Act.

4. The official ballot will be provided, and it shall have the following words written or printed thereon:

“For annexation ()” and “Against annexation ()”.

5. The inspectors at the respective voting places shall, as soon as the polls are closed, ascertain and certify the results of the referendum at their respective voting places to the Judge of Probate and deliver the same to the returning officer, who shall at once return the same to the Judge of Probate, and the Judge of Probate shall canvass the return as made by the inspectors and if it appears that a majority of the votes cast at the election were “for annexation,” the Judge shall make and enter an order on the

records of the Probate Court adjudging and decreeing the corporate limits of the City of Foley to be extended so as to include the territory described in this Act and shall cause this Act, the map and all orders or decrees or judgments to be recorded in the records in the Sheriff's office, and from the time of the entry of the order the territory shall be a part of and within the corporate limits of the City of Foley.

6. If it appears that a majority of the votes cast at the referendum are "against annexation," the Judge of Probate shall make and enter an order on the records of the Court adjudging and decreeing that a majority of the votes at the referendum were cast against coming into the corporate limits of the City of Foley and that the territory described and designated in this Act and the plat or map attached shall not form a part of or be embraced in the City of Foley until it may thereafter be brought into the City of Foley as a part thereof. Also, if the majority are "against annexation," this Act shall have no further effect.

7. The results of the referendum may be contested by any qualified elector voting at the referendum in the manner provided for contest of general municipal elections, making the City of Foley the contestee. The City of Foley shall pay all of the costs and expenses incidental to the referendum.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, its otherwise becoming a law.

Approved May 6, 1998

Time: 11:47 A.M.

Act No. 98-631

H. 960 – Rep. Laird

AN ACT

Relating to Clay County; providing that the offices of judge of probate or revenue commissioner shall be reimbursed for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing the funds shall be payable from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Clay County shall reimburse the office of judge of probate or revenue commissioner

from the general fund the amount of any monetary loss, not to exceed a total of two thousand five hundred dollars (\$2,500) per annum, arising or caused by error if the mistake or omission was caused without the personal knowledge of the officer, including loss arising from acceptance of worthless or forged checks, drafts, money orders, or other written orders for money or its equivalent.

Section 2. It shall be the duty of the judge of probate or the revenue commissioner to insure that the employees of the respective offices exercise due care in performing their required duties and make a diligent effort to correct the error, mistake, or omission. The respective officers shall make a good faith effort to collect the amount subject to potential loss immediately upon becoming aware of the potential loss.

Section 3. This act shall not apply to any deliberate misuse or misappropriation of funds by the judge of probate or the revenue commissioner, or by any clerk, or any employee of the respective officials.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 11:48 A.M.

Act No. 98-632

H. 968 – Rep. Guin

AN ACT

Relating to Walker County; providing for an advisory referendum on the construction of a park at the old Walker County Airport on Airport Road in Jasper, Alabama, through a joint effort of the City of Jasper and Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. At the next general election, residents of Walker County who are registered voters in the county shall vote at an advisory referendum. The question on the ballot shall read substantially as follows:

“Do you favor the construction of an 80-acre park through a joint effort of the City of Jasper and Walker County at the old Walker County Airport located on Airport Road in Jasper, Alabama?”

This description shall be followed by the following language:

“Yes () No ()”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 6, 1998

Time: 11:49 A.M.

Act No. 98-633

H. 867 – Reps. Clouse, Carothers
and Baker

AN ACT

Relating to Houston County; providing that the members of the board of registrars shall be included in the county health insurance program.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Board of Registrars of Houston County and their dependents shall be eligible for coverage under the Houston County Health Insurance Plan.

Section 2. The premiums for the insurance coverage for the members of the Houston County Board of Registrars and their dependents shall be paid in the same manner as the premiums for the other insured county employees are paid.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 6, 1998

Time: 11:50 A.M.

Act No. 98-634

H. 977 – Rep. Penry

AN ACT

To alter or rearrange the boundary lines and corporate limits of the City of Spanish Fort in Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within the corporate limits of said City and also certain other territory contiguous thereto, in Spanish Fort, Baldwin County, Alabama; and to provide for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1.

The boundary lines and corporate limits of the City of Spanish Fort in Baldwin County, Alabama, be, and the same are hereby

altered, extended, rearranged and redefined so as to include within the corporate limits of the municipality, in addition to the territory presently within the corporate limits and boundaries, the following described territory, to-wit:

PARCEL 1

Commencing at the Northeast Corner of Lot 37, Unit 5, Blakeley Forest, per plat thereof recorded at Slide 1411-B, the point of beginning; thence run Southeasterly along the East line of said Lot 37 a distance of 326.01 feet, more or less, to the Southeast Corner of said Lot 37, which point forms the intersection of said line with the North right-of-way line of a 60 foot right-of-way, O'Hara Drive; thence run Southwesterly along the North right-of-way line of said O'Hara Drive a distance of 314.98 feet, more or less, to the Southeast Corner of Lot 35, Unit 5, Blakeley Forest, per plat thereof recorded at Slide 1411-B; thence run Northwesterly along the South line of said Lot 35 a distance of 139.14 feet, more or less, to the Southwest Corner of said Lot 35; thence run South across said O'Hara Drive to the North line of Lot 5, Unit 3, Blakeley Forest, per plat thereof recorded at Slide 1259-A; thence run Westerly along the North line of said Lot 5 to the Northwest Corner of said Lot 5; thence run in a Southerly direction along the West line of said Lot 5 a distance of 250 feet, more or less, to the Southwest Corner of said Lot 5; thence run Westerly along the South lot lines of Lot 4, Lot 3, and Lot 2 of Unit 3, Blakeley Forest, per plat thereof recorded at Slide 1259-A, a distance of 380 feet, more or less, to the Southwest Corner of said Lot 2; thence run Southwesterly along the South line of Lot 1, Unit 3, Blakeley Forest, per plat thereof recorded at Slide 1259-A, a distance of 91.11 feet, more or less, to the Southwest Corner of said Lot 1; thence run Southwesterly along the South lines of Lot 3, Lot 2, Lot 1, and Lot 8A. Unit 2, Block D, Blakeley Forest, per plat thereof recorded at Slide 1220-B - 1221-A, a distance of 929.75 feet, more or less, to the Southwest Corner of said Lot 8A; thence run Southeasterly along the East right-of-way line of County Highway No. 72 a distance of 1,265.01 feet, more or less, to the Northwest Corner of Tax Parcel No. 05-32-04-20-03-001-1.003; thence run Easterly along the North line of Tax Parcel No. 05-32-04-20-03-001-1.003 and the North line of Tax Parcel No. 05-32-04-20-04-001-15 a distance of 431.4 feet, more or less, to the Northeast Corner of Tax Parcel No. 05-32-04-20-04-001-15; thence run South along the East lines of Tax Parcel No. 05-32-04-20-04-001-15 and Tax Parcel No. 05-32-04-20-04-001-16 a distance of 552.5 feet, more or less, to the Southeast Corner of Tax Parcel No. 05-32-04-20-04-001-16; thence run West along the South line of said Tax Parcel No. 05-32-04-20-04-001-16 a distance of 208.5 feet, more or less, to the Southwest Corner of said tax parcel; thence run South along the West line of Tax Parcel No. 05-32-04-20-04-001-17 a distance

of 150 feet, more or less, to the Southwest Corner of said tax parcel; thence run East along the South line of said tax parcel a distance of 208.5 feet, more or less, to the Southeast Corner thereof; thence run East along the South line of Tax Parcel No. 05-32-04-20-04-001-20 a distance of 1,130.58 feet, more or less, to the Southeast Corner of said tax parcel; thence run North along the West line of said Tax Parcel No. 05-32-04-20-04-001-23 a distance of 120 feet, more or less, to the Northwest Corner of said tax parcel; thence continue North along the West line of Tax Parcel No. 05-32-04-20-04-001-24 a distance of 210 feet, more or less, to the Northwest Corner of said tax parcel; thence run East a distance of 1,298 feet, more or less, to the East line of Section 20, Township 4 South, Range 2 East; thence run North along the East line of Section 20, Township 4 South, Range 2 East, a distance of 4949 feet, more or less, to the Northeast Corner of said Section 20; thence run West along the North line of said Section 20 to the intersection of said section line with Grant Section 39; thence run Southeasterly along the East line of Grant Section 39, Township 4 South, Range 2 East, to the Southeast Corner of said Grant Section 39; thence run Southwesterly along the South line of said Grant Section 39, Township 4 South, Range 2 East, to its intersection with the North line of Lot 4, Spanish Fort Estates, 11th Addition, Phase A, according to the official map or plat thereof recorded at Map Book 11, page 191; thence run Northeasterly along the North lines of Lot 4, Lot 5, and Lot 6, Spanish Fort Estates, 11th Addition, Phase A, as per plat or map thereof recorded at Map Book 11, page 191, to the Northeast Corner of said Lot 6; thence continue Northeasterly along the North lines of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6, Spanish Fort Estates, 16th Addition, as per plat thereof recorded at Slide 1327-A, to the Northeast Corner of said Lot 6 of said addition to said subdivision; thence continue East along the North lines of Lot 7 and Lot 8 of said addition to said subdivision a distance of 373.99 feet, more or less, to the West right-of-way line of Alabama Highway 225; thence run North along the West right-of-way line of Alabama Highway No. 225 to the intersection of said line with the South line of Grant Section 39; thence run in an easterly direction a distance of 100 feet, more or less, to the Southwest Corner of Lot 1, Block C, Blakeley Forest, Unit 2, as per plat thereof recorded at Slides 1220-B and 1221-A); thence run in an Easterly direction along the North margin of Blakeley Forest Boulevard to the Southwest Corner of Lot 1, Block E, Unit 2, Blakeley Forest, as per plat thereof recorded at Slides 1220-B and 1221-A; thence run North along the West line of said Lot 1 to the Northwest Corner of said Lot 1; thence run East along the North lines of Lot 1 and Lot 2, Block E, Unit 2, Blakeley Forest, Slide 1220-B - 1221-A, a distance of 330 feet, more or less, to the Northeast Corner of said Lot 2; thence run South along the East line of said Lot 2, Block E, to its intersection with the North line of the Southwest Quarter of the Northwest Quarter of Section 20,

Township 4 South, Range 2 East; thence run East to the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section 20, Township 4 South, Range 2 East; thence run South along the East line of the Southeast Quarter of the Northwest Quarter of said Section 20, Township 4 South, Range 2 East, to its intersection with the North line of Lot 10, Unit 3, Blakeley Forest, as per plat thereof recorded at Slide 1259-A (said point also lying on the South margin of Tara Boulevard); thence run Northeast along the North line of said Lot 10 to the Northeast Corner of said Lot 10 of said unit of said subdivision; thence run Southeast along the East line of said Lot 10 of said unit of said subdivision a distance of 225 feet, more or less, to the Southeast Corner of said Lot 10; thence run Northeasterly along the South lines of Lot 34, Lot 33, and Lot 32, Unit 5, Blakeley Forest, as per plat thereof recorded at Slide 1411-B, a distance of 594.57 feet, more or less, to the Southeast Corner of said Lot 32; thence run Northeast along the North line of Lot 37, Unit 5, Blakeley Forest, as per plat thereof recorded at Slide 1411-B, a distance of 43.3 feet, more or less, to the Northeast Corner of said Lot 37, the point of beginning. LESS AND EXCEPT any portion of the above described property which lies within the corporate limits of any other municipality.

-and-

Commencing at the Northwest Corner of Wakefield, Unit 3, per plat thereof recorded at Slides 1414-B and 1423-B, the point of beginning; thence run in a Southwesterly direction along the West boundary of Wakefield, Unit 3, per plats thereof recorded at Slides 1414-B and 1423-B a distance of 313.15 to a point; thence continue in a Southerly direction along the West boundary of Wakefield, Unit 3, a distance of 300 feet, more or less, to a point; thence run Easterly and along the boundary of Wakefield, Unit 3, a distance of 495 feet, more or less, to a point; thence run South along the West boundary of Wakefield, Unit 3, a distance of 735 feet, more or less, to the South line of Section 21, Township 4 South, Range 2 East; thence run East along the South line of said Section 21 a distance of 385 feet, more or less, to the Southwest Corner of Lot 49, Unit 2, Wakefield, per plat thereof recorded at Slide 1330-B; thence run North along the West boundary line of Unit 2, Wakefield, per plat thereof recorded at Slide 1330-B, a distance of 784.41 feet, more or less, to the Northwest Corner of Lot 38 of said unit of said subdivision; thence continue North a distance of 540 feet, more or less, to a point on the North boundary of Wakefield, Unit 3, as per plat thereof recorded at Slides 1414-B and 1423-B (said point being at a Northeasterly Corner of Lot 34, Wakefield, Unit 3, and said point also being a distance of 23.90 feet East of the Northeast Corner of Lot 33 of Wakefield, Unit 3); thence run Westerly along the North boundary of Wakefield, Unit 3, as per

plat thereof recorded at Slides 1414-B and 1423-B, a distance of 652.5 feet, more or less, to the Northwest Corner of said Wakefield Subdivision, Unit 3, the point of beginning.

PARCEL 2

Commencing at the Southeast Corner of Lot 35, Spanish Fort Estates, 8th Addition, as per map or plat thereof recorded at Slide 802-B, the point of beginning; thence run Northeasterly along the East boundary line of Spanish Fort Estates, 8th Addition, as per plat or map thereof recorded at Slide 802-B, to the Southeast Corner of Lot 25 of said addition to said subdivision; thence run Northeasterly along the East line of said Lot 25 a distance of 74.02 feet, to a point; thence continue Northeasterly along the East line of said Lot 25 a distance of 48 feet, more or less, to the Southeast Corner of Lot 26, Spanish Fort Estates, Tenth Addition, as per map or plat thereof recorded at Map Book 10, page 38; thence run Northeasterly along the meanders of the South and East boundary lines of Spanish Fort Estates, Tenth Addition, to the Southeast Corner of Lot 20, Spanish Fort Estates, Tenth Addition; thence run Southeasterly and Northeasterly along the South lines of Lot 24 and Lot 23, Spanish Fort Estates, 11th Addition, as per plat or map thereof recorded at Map Book 11, page 191, to the Southeast Corner of Lot 22 of said addition to said subdivision; thence run Northeasterly along the East line of said Lot 22 a distance of 161.77 feet, more or less, to the Southwest Corner of Lot 41, Spanish Fort Estates, 16th Addition, as per plat thereof recorded at Slide 1327-A; thence run Northeasterly along the West line of said Lot 41 a distance of 181.51 feet, more or less, to the Southwest Corner of Lot 42, Spanish Fort Estates, 16th Addition; thence run Northeasterly along the South line of said Lot 42 a distance of 164.27 feet to the Southeast Corner of said Lot 42; thence run Northwesterly along the East line of said Lot 42 a distance of 115 feet, more or less, to the Southeast Corner of Lot 43, Spanish Fort Estates, 16th Addition; thence run Southwesterly along the South line of said Lot 43 a distance of 160.39 feet, more or less, to the Southwest Corner of said Lot 43, Spanish Fort Estates, 16th Addition, as per plat thereof recorded at Slide 1327-A; thence run Northwesterly along the West lines of Lot 43 and Lot 44 of said subdivision a distance of 212.26 feet, more or less, to the Northwest Corner of Lot 44, Spanish Fort Estates, 16th Addition; thence run Northeasterly along the North line of said Lot 44 a distance of 201.35 feet, more or less, to the Northeast Corner of said Lot 44; thence run in a Northeasterly direction to the Northwest Corner of Lot 36, Spanish Fort Estates, 16th Addition; thence run in a Southerly direction along the West line of said Lot 36 a distance of 110.04 feet, more or less, to the Southwest Corner of said Lot 36; thence run Easterly along the South line of said Lot 36 a distance of 160.02 feet, more or

less, to the Northeast Corner of Lot 37, Spanish Fort Estates, 16th Addition; thence run Southeasterly along the East line of said Lot 37 a distance of 110 feet more or less to the Southeast Corner of said Lot 37; thence run Southeasterly along the West line of Lot 30, Spanish Fort Estates, 16th Addition, a distance of 40 feet, more or less, to the Southwest Corner of said Lot 30; thence run Northeasterly along the South line of said Lot 30 a distance of 195.51 feet, more or less, to the Southeast Corner of said Lot 30. thence run East to the East line of Section 19, Township 4 South, Range 2 East; thence run Easterly to the Southwest Corner of Lot 1, Spanish Woodlands Subdivision, per plat thereof recorded at Slide 1195-A; thence run Southeasterly along the South line of said Lot 1 a distance of 85 feet, more or less, to the Southeast Corner of said Lot 1; thence continue Southeasterly along the North lines of Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, and Lot 13, Unit One, Oakridge, as per plat thereof recorded at Slide 1630A, to the Southwest Corner of Tax Parcel No. 05-32-04-20-03-001-2.005; thence continue Southeasterly along the West lines of Tax Parcel No. 05-32-04-20-03-001-2.008, Tax Parcel No. 05-32-04-20-03-001-2.007, Tax Parcel No. 05-32-04-20-03-001-2.013, Tax Parcel No. 05-32-04-20-03-001-2.002, Tax Parcel No. 05-32-04-20-03-001-2.017, Tax Parcel No. 05-32-04-20-03-001-2.012, Tax Parcel No. 05-32-04-20-03-001-2.011, Tax Parcel No. 05-32-04-20-03-001-2.003, Tax Parcel No. 05-32-04-20-03-001-2.006, and Tax Parcel No. 05-32-04-20-03-001-2.004, to the South line of Section 20, Township 4 South, Range 2 East; thence run West along the South line of said Section 20, Township 4 South, Range 2 East, to the East line of Lot 19, The Village, Unit 2, per plat thereof recorded in Map Book 7, page 115; thence run Northwesterly along the East line of The Village, Unit 2, to the Northeast Corner of Lot 17 of said subdivision; thence run Southwesterly a distance of 200 feet to the Northwest Corner of Fiesta Drive; thence run Southeasterly a distance of 15 feet, more or less, to the Northeast Corner of Lot 16 of said subdivision; thence run Southwesterly a distance of 185.40 feet, more or less, to the Northwest Corner of said Lot 16; thence run Southeasterly along the West line of said Lot 16 a distance of 131.24 feet to the Southwest Corner of said Lot 16; thence run Southwesterly along the West line of Lot 13, The Village, Unit 2, a distance of 55 feet, more or less, to the Northeast Corner of Lot 12, of said subdivision; thence run Northwesterly along the North line of said Lot 12 a distance of 100.01 feet, more or less, to the Northwest Corner of said Lot 12; thence run Southwesterly along the West line of said Lot 12 a distance of 150 feet, more or less, to the Southwest Corner of said Lot 12; thence continue Southwesterly and parallel with an extension of the West line of said Lot 12, a distance of 50 feet, more or less, to a point on the South margin of Ponce de Leon Drive; thence run Southeasterly a distance of 30 feet, more or less, to

the Northwest Corner of Lot 11 of The Village, Unit 2; thence run Southwesterly along the West line of said Lot 11 a distance of 150 feet, more or less, to the Southwest Corner of said Lot 11; thence run Northwesterly along the South lines of Lot 25 and Lot 26, the Woodlands at Spanish Fort, Unit One, as per plat thereof recorded at Slide 1436-B, a distance of 175.1 feet, more or less, to the Northeast Corner of Tax Parcel No. 05-32-09-29-02-001-12; thence run Southwesterly along the East line of said tax parcel a distance of 395 feet to the Southeast Corner of said tax parcel; thence run Northwesterly along the South line of said tax parcel a distance of 65 feet, more or less, to the West line of Section 29, Township 4 South, Range 2 East; thence run Northwesterly along the North line of Tax Parcel No. 05-32-09-30-01-001-1.01 a distance of 815 feet, more or less, to the East margin of Alabama Highway 225; thence run Southwesterly along the East margin of said Alabama Highway 225 a distance of 400 feet, more or less, to the North line of Grant Section 38; thence continue Southwesterly along the East margin of said Alabama Highway 225 to the Northwest Corner of Lot 1, Falls Church Subdivision, as per plat thereof recorded at Slide 1370-A; thence run Southeasterly along the North lines of Lot 1 and Lot 2 of said Falls Church Subdivision a distance of 200 feet, more or less, to the Northwest Corner of Lot 3 of said subdivision; thence run Southwesterly along the West line of said Lot 3 a distance of 175 feet, more or less, to the Southwest Corner of said Lot 3; thence run Southeasterly along the South lines of Lot 3 and Lot 4 of said subdivision a distance of 200 feet, more or less, to the Southeast Corner of Lot 4 of said Falls Church Subdivision; thence run Northeasterly along the East line of said Lot 4 a distance of 174.6 feet, more or less, to the Northwest Corner of Lot 5 of said subdivision; thence run Southeasterly along the North boundary of said subdivision a distance of 668.25 feet, more or less, to the Northeast Corner of Lot 10 of said Falls Church Subdivision; thence run Southerly along the East boundary line of said subdivision a distance of 240 feet, more or less, to the Southeast Corner of Lot 11 of said subdivision; thence run Northwest along the South line of said Lot 11 a distance of 176.6 feet, more or less, to the Southwest Corner of said Lot 11 of said subdivision; thence run Southwesterly along the arc of a curve (said line being the West line of Lot 12 of said Falls Church Subdivision) a distance of 40 feet, more or less, to the Northeast Corner of Lot 13 of said Falls Church Subdivision; thence run Southeasterly along the East lines of Lot 13 and Lot 13A of said subdivision a distance of 303.26 feet, more or less, to the Southeast Corner of Lot 13A of said subdivision; thence run Southeasterly to the Northeast Corner of Tax Parcel No. 05-32-09-38-00-001-22.069; thence run South along the East line of said tax parcel a distance of 195 feet, more or less, to the Southeast Corner of said tax parcel; thence run Southwesterly along

the South line of said tax parcel a distance of 110 feet, more or less, to the Southwest Corner of said tax parcel; thence run Southwesterly along the South line of Tax Parcel No. 05-32-09-38-00-001-22.03 a distance of 190 feet, more or less, to the Southwest Corner of said tax parcel; thence run Northerly along the West line of said tax parcel a distance of 315 feet, more or less, to the Northwest Corner of said tax parcel; thence run Northwesterly along the South boundary line of the Falls Church Subdivision, per plat thereof recorded at Slide 1370-A to the Southeast Corner of Lot 18A of said subdivision; thence run Northeasterly along the East lines of said Lot 18A and Lot 18 of said subdivision a distance of 250 feet, more or less, to the Northeast Corner of said Lot 18; thence run Northwesterly along the North line of said Lot 18 a distance of 107.2 feet, more or less, to the Northwest Corner of said Lot 18 of said subdivision; thence run Southwesterly along the West lines of said Lot 18 and Lot 18A a distance of 275 feet, more or less, to the Southwest Corner of Lot 18A of said Falls Church Subdivision; thence run Northwesterly along the South boundary line of said Falls Church Subdivision and the South line of Tax Parcel No. 05-32-09-38-00-001-22.066 a distance of 457.5 feet, more or less, to the East margin of Alabama Highway 225; thence run Southwesterly along the East right-of-way line of Alabama Highway 225 a distance of 646.6 feet, more or less, to the South line of Grant Section 38; thence continue West along the South line of Grant Section 38 to the intersection of said line with the East line of Lot 17, General Robert E. Lee Circle Subdivision, as per plat thereof recorded at Slide 444-A; thence run Northwesterly along the East lines of Lot 17, Lot 16, Lot 15, and Lot 14, of said subdivision, a distance of 246.13 feet, more or less, to the Northeast Corner of said Lot 14 of said subdivision; thence run Northwesterly along the North line of Lot 13 of said subdivision to its intersection with the East line of Tax Parcel No. 05-32-09-38-00-001-24.01; thence run North along the East lines of Tax Parcel No. 05-32-09-38-00-001-24.01 and Tax Parcel No. 05-32-09-38-00-001-24.03 to their intersection with the South line of Lot 12, Spanish Fort Estates, Third Addition, as per plat thereof recorded at Map Book 5, page 113; thence run Northeasterly along the East boundary line of Spanish Fort Estates, Third Addition, as per plat thereof recorded at Map Book 5, page 113, which is also the East lines of Lot 12, Lot 13, Lot 14 and Lot 15 of said subdivision, a distance of 498.28 feet, more or less, to the Northeast Corner of said Lot 15 of said subdivision; thence continue Northeasterly along the East boundary line of Spanish Fort Estates, Eighth Addition, as per plat thereof recorded at Slide 802-B a distance of 512.59 feet, more or less, to the Southeast Corner of Lot 35 of said subdivision, the point of beginning. LESS AND EXCEPT any portion of the above described property which lies within the corporate limits of any other municipality.

PARCEL 3

Commencing at the Southwest Corner of Lot 9, Stagecoach Ridge Subdivision, as per plat thereof recorded at Slide 885-B, the point of beginning; run thence East along the South line of said subdivision a distance of 926.19 feet, more or less, to the Southeast Corner of Lot 1 of said subdivision and the West right-of-way line of Wayside Drive; thence run East a distance of 60 feet, more or less, to the East right-of-way line of Wayside Drive; thence run South along the East right-of-way line of Wayside Drive a distance of 640 feet, more or less, to the Northwest Corner of Lot 4, Wayside Heights Subdivision, as per map or plat thereof recorded at Map Book 12, Page 124; thence run East along the North line of said Lot 4 a distance of 220 feet, more or less, to the Northeast Corner of said Lot 4 of said subdivision; thence run South along the East lines of Lot 4 and Lot 3 of Wayside Heights Subdivision a distance of 160 feet, more or less, to the Southwest Corner of Tax Parcel No. 05-32-09-29-04-001-34.001; thence run East along the South line of said tax parcel a distance of 361.5 feet, more or less, to the Southeast Corner of said tax parcel; thence run North along the East line of Tax Parcel No. 05-32-09-29-04-001-34.001 a distance of 361.5 feet, more or less, to the Northeast Corner of said tax parcel; thence run North a distance of 60 feet, more or less, to the South line of Tax Parcel No. 05-32-09-29-04-001-36.001; thence run East to the Southeast Corner of said tax parcel; thence run North along the East line of Tax Parcel No. 05-32-09-29-04-001-36.001 to the Northeast Corner of said tax parcel; thence run East along the North line of Tax Parcel No. 05-32-09-29-04-001-38.02 to the Southwest Corner of Tax Parcel No. 05-32-09-29-04-001-60; thence run North along the West line of said tax parcel to the Northwest Corner of said tax parcel; thence run North along the West line of Tax Parcel No. 05-32-09-29-04-001-16.002 to the Southwest Corner of Tax Parcel No. 05-32-09-29-04-001-16.001; thence run North a distance of 264.9 feet, more or less, to the Northwest Corner of Tax Parcel No. 05-32-09-29-04-001-17; thence run East along the North line of the Southeast Quarter of Section 29, Township 4 South, Range 2 East, to the Northwest Corner of Tax Parcel No. 05-32-09-29-04-001-1; thence run South along the West line of said tax parcel a distance of 550 feet, more or less, to the Southwest Corner of said tax parcel; thence run East along the South line of said tax parcel to the East line of Section 29, Township 4 South, Range 2 East; thence run South along the East line of Section 29, Township 4 South, Range 2 East, to the Southeast Corner of said Section 29; thence run West along the South line of said Section 29 to the Southwest Corner of Lot 1, Wayside Heights Subdivision, as per map or plat thereof recorded at Map Book 12, page 124; thence run West along the South line of Section 29, Township 4 South, Range 2 East, to the Northeast Corner of Tax Parcel No. 05-32-09-32-00-001-2; thence run South along the East line of said tax parcel a distance of 100 feet, more

or less, to the Southeast Corner of said tax parcel; thence run South a distance of 178 feet, more or less, along the East line of Tax Parcel No. 05-32-09-32-00-001-3 to the Southeast Corner of said tax parcel; thence run Westerly along the South line of said tax parcel a distance of 734.3 feet, more or less, to the Southwest Corner of said tax parcel; thence run North along the West line of said tax parcel a distance of 277.5 feet, more or less, to the South line of Section 29, Township 4 South, Range 2 East; thence run West along the South line of said Section 29 to the Northeast Corner of Tax Parcel No. 05-32-09-32-00-001-1.002; thence run South along the East line of said tax parcel to the Southwest Corner of Tax Parcel No. 05-32-09-32-00-001-3.001; thence continue in a Southerly direction and parallel with an extension of the West line of said tax parcel to the South line of Tax Parcel No. 05-32-09-32-00-001-1.002; thence run Southwesterly along the South line of Tax Parcel No. 05-32-09-32-00-001-1.002 to the West line of Section 32, Township 4 South, Range 2 East; thence run Southwesterly along the South line of Tax Parcel No. 05-32-09-31-00-000-1 to the Southwest Corner of said tax parcel; thence run Westerly and Northerly along the South and West lines of Tax Parcel No. 05-32-09-31-00-000-2 to the Southwest Corner of Tax Parcel No. 05-32-09-31-00-000-2.001; thence run North along the East right-of-way line of U. S. Highway 90 to the North line of Section 31, Township 4 South, Range 2 East; thence run North along the East right-of-way line of U. S. Highway 90 to a point which lies due West of the Northwest Corner of Tax Parcel No. 05-32-09-30-04-000-7; thence run East along the North line of said tax parcel to the West line of Section 29, Township 4 South, Range 2 East; thence run North along the West line of said Section 29 to the North line of a 60 foot right-of-way adjacent to Tax Parcel No. 05-32-09-29-03-000-13.001; run thence Northeasterly and Northerly along the North and West margins of said 60 foot right-of-way to its intersection with the North line of the Southwest Quarter of Section 29, Township 4 South, Range 2 East; thence run East along the said North line of the Southwest Quarter of said Section 29 a distance of 60 feet, more or less, to the East margin of said 60 foot right-of-way; thence run South, Southeasterly and Easterly along the West and South boundary lines of Tax Parcel No. 05-32-09-29-03-000-13.002 to the Southeast Corner of said tax parcel; thence run South to the Southwest Corner of Tax Parcel No. 05-32-09-29-03-000-16; thence run East along the South line of said tax parcel a distance of 360 feet, more or less, to the Southwest Corner of Lot 9, Stagecoach Ridge Subdivision, as per plat thereof recorded at Slide 885-B, the point of beginning. LESS AND EXCEPT any portion of the above described property which lies within the corporate limits of any other municipality.

PARCEL 4

Commencing at the Northeast Corner of Section 25, Township 4 South, Range 1 East, the point of beginning; run thence Westerly

along the North margins of Sections 25, 26, 27 and 28, Township 4 South, Range 1 East, to the Southeast Corner of Section 20, Township 4 South, Range 1 East; thence run North along the East line of said Section 20, Township 4 South, Range 1 East, to the Northeast Corner of said Section 20; thence run West along the North line of said Section 20 to the Northwest corner of said Section 20; thence run South along the West line of said Section 20 to the Southwest Corner of said Section 20; thence run South along the West line of Section 29, Township 4 South, Range 1 East, to its intersection with the boundary line dividing Mobile and Baldwin Counties; thence run Southeasterly and Southerly along the boundary line dividing said Counties to the point at which said line intersects with the South line of said Section 29; thence run East along the South lines of Section 29, Section 28, Section 27, Section 26, and Section 25, to the Southeast Corner of Section 25, Township 4 South, Range 1 East; thence run East along the South line of Section 30, Township 4 South, Range 2 East, to its intersection with the East margin of D'Olive Creek; thence run Northerly along the East margin of D'Olive Creek to its intersection with the South margin of the North Fork of D'Olive Creek; thence run Northerly, Easterly, Southeasterly and Southerly along the South and West margins of the North Fork of D'Olive Creek to its intersection with the South line of said Section 30; thence run Southerly along the West margin of North Fork of D'Olive Creek to a point due West of the Southwest Corner of Tax Parcel No. 05-32-09-31-00-000-14; thence run Easterly along the South line of said tax parcel to the West right-of-way line of U. S. Highway 98; thence run Northwesterly along the West right-of-way line of U. S. Highway 98 to its intersection with the West line of said Section 30; thence run North along the East line of Section 25, Township 4 South, Range 1 East, to the Southeast Corner of Tax Parcel No. 05-31-07-25-01-001-4.003; thence run Westerly a distance of 473.22 feet, more or less, to the Southwest Corner of Tax Parcel No. 05-31-07-25-01-001-4; thence run North along the West line of said tax parcel a distance of 100 feet, more or less, to the South line of Lot 1, J. D. Morris Lands, as per plat or map thereof recorded at Slide 440-B; thence run West along the South line of said Lot 1 to the Southwest Corner of said Lot 1 and the East margin of the Blakeley River; thence run Northeasterly along the meanderings of Blakeley River to the Northwest Corner of Lot 3, J. D. Morris Lands, as per plat or map thereof recorded at Slide 440-B; thence run East to the East line of Section 25, Township 4 South, Range 1 East; thence run North along the East line of said Section 25 to the Northeast Corner of said Section 25, the point of beginning. LESS AND EXCEPT any portion of the above described property which lies within the corporate limits of any other municipality.

Section 2. A map showing the territory to be annexed is on file in the Office of the Judge of Probate of Baldwin County, Alabama.

Section 3. All territory brought within the corporate limits of the City of Spanish Fort under the provisions of this Act shall be subject to the laws and ordinances of the City, and the City Council shall have and exercise the same jurisdiction over such territory as is presently exercised over the territory within the limits of the City.

Section 4. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within the territory to be annexed voting in a referendum to be held between May 15, 1998, and August 31, 1998, on the day designated by the Judge of Probate of Baldwin County, Alabama. Notice of the election shall be given by the Judge of Probate of Baldwin County, Alabama, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by §11-42-2 of the Code of Alabama (1975), insofar as said provisions may be appropriate and applicable; provided, however, that no resolution of the municipal governing body need be made or filed with the Judge of Probate, and the requirements of Subsection (10) of §11-42-2 of the Code of Alabama (1975) shall not apply. The question shall be, "Shall the adoption of Act No. ____ of the 1998 Regular Session of the Alabama Legislature, which alters, extends, rearranges and redefines the boundary lines and corporate limits of the City of Spanish Fort in Baldwin County, Alabama, be approved?" The City of Spanish Fort shall pay all of the costs and expenses incidental to said election. If a majority of the votes cast in the election are "Yes", the provisions of the Act shall become operative immediately. If the majority of the votes cast in the election are "No", this Act shall have no further effect.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 11:51 A.M.

Act No. 98-635

H. 905 – Reps. McMillan, Penry
and Warren

AN ACT

Relating to Baldwin County; to alter, rearrange, and extend the boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama, by annexing certain territory to the city, to make certain findings in regard to the public necessity for the annexation, to provide that the existence of other police jurisdictions shall not affect the validity of the annexation, to provide that the city shall exercise full municipal authority over the annexed territory, and to provide for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Findings: The Legislature hereby finds and determines that it is expedient, wise, necessary, proper and in the best interests of the citizens of the State of Alabama, Baldwin County and the City of Foley to alter, rearrange and extend the corporate limits of the City of Foley as herein provided, including but not limited to the purpose of generally promoting the welfare of the State of Alabama, Baldwin County and the City of Foley and specifically, but not limited to, the initial purpose of facilitating the City of Foley in providing certain services to the areas to be annexed. Provided, however, the foregoing shall not be construed to limit in any manner or otherwise curtail the exercise of any municipal powers and authorities by the City of Foley nor prohibit future or subsequent annexations in accordance with the provisions hereof and the laws of the State.

Section 2. Jurisdiction: All territory brought within the corporate limits of the City of Foley under the provisions of this Act shall be subject to the laws and ordinances of the City of Foley, and the Mayor and City Council shall have and exercise the same jurisdiction over such territory as is exercised over any other territory within the corporate limits of the City of Foley.

Section 3. Legal Description: The boundary lines and corporate limits of the City of Foley in Baldwin County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following tracts or territories, to-wit:

Leisure Lake, Unit I of Phase I:

Commence at the Northeast corner of Section 14, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence South 00 degrees 09 minutes 34 seconds West for 28.34 feet; run thence South 89 degrees 57 minutes 42 seconds West for 30.0 feet to the West right-of-way of DeYampert Lane for the Point of Beginning;

run thence South 00 degrees 09 minutes 34 seconds West for 1291.66 feet; run thence South 89 degrees 57 minutes 42 seconds West for 538.55 feet; run thence North 00 degrees 02 minutes 18 seconds West for 20.0 feet; run thence North 11 degrees 53 minutes 24 seconds West for 90.06 feet; run thence in a southwesterly direction along a curve to the right having a radius of 516.50 feet for an arc distance of 3.9 feet, a bearing of South 75 degrees 59 minutes 53 seconds West for 3.9 feet; run thence North 13 degrees 47 minutes 08 seconds West for 180 feet, more or less, to the South margin of a lake; run thence in a northeasterly, northerly and southwesterly direction, along the meanderings of said lake to a point that is South 00 degrees 09 minutes 52 seconds West and 430 feet, more or less, and South 89 degrees 57 minutes 42 seconds West and 300.0 feet from the Point of Beginning; run thence North 00 degrees 09 minutes 52 seconds East for 430 feet, more or less, to the South right-of-way of County Highway No. 12; run thence North 89 degrees 57 minutes 42 seconds East along said right-of-way for 300.0 feet to the West right-of-way of said DeYampert Lane and the Point of Beginning.

Leisure Lake, Unit Two of Phase I:

Commence at the Southwest corner of Lot 19, Leisure Lake, Unit One as recorded on Slide 1480A, Baldwin County, Alabama from the point of beginning; run thence South 13 deg. 47' 08" East for 60.00 feet; run thence in a Northeasterly direction along a curve to the left having a radius of 516.50 feet for an arc distance of 3.90 feet, a chord bearing North 75 deg. 59' 53 East for 3.90 feet; run thence South 11 deg. 53' 24" East for 90.06 feet; run thence South 00 deg 02' 18" East for 20.00 feet; run thence South 89 deg. 57' 42" West for 378.68 feet; run thence North 00 deg. 02' 18" West for 20.00 feet; run thence North 44 deg. 10' 07" West for 70.73 feet; run thence North 70 deg. 08' 41" West for 39.48 feet; run thence North 37 deg. 57' 19" West for 159.55 feet; run thence in a Southwesterly direction along a curve to the right having a radius of 270.00 feet for an arc distance of 78.36 feet, a chord bearing South 66 deg. 39' 42" West for 78.09 feet; run thence North 00 deg. 09' 07" East for 75.73 feet; run thence South 89 deg. 57' 42" West for 180.00 feet; run thence North 77 deg. 59' 52" West for 168.59 feet; run thence South 89 deg. 57' 42" West for 110.00 feet; run thence North 00 deg. 09' 07" East for 55.00 feet; run thence South 89 deg. 57' 42" West for 90.00 feet; run thence South 00 deg. 09' 07" West for 5.09 feet; run thence South 89 deg. 57' 42" West for 151.02 feet; run thence North 00 deg. 09' 07" East for 71.66 feet; run thence North 89 deg. 57' 42" East for 65.93 feet; run thence North 00 deg. 18' 38" East for 60.00 feet; run thence in a Northeasterly direction along a curve to the left having a radius of

25.00 feet for an arc distance of 39.19 feet, a chord bearing North 45 deg. 03' 24" East for 35.30 feet; run thence North 89 deg. 48' 11" East for 60.00 feet; run thence North 00 deg. 09' 07" East for 250.00 feet; run thence in a Northeasterly direction along a curve to the right having a radius of 25.00 feet for an arc distance of 39.19 feet, a chord bearing North 45 deg. 03' 25" East for 35.30 feet; run thence North 89 deg. 57' 42" East for 148.56 feet; run thence South 19 deg. 24' 51" East for 112.15 feet; run thence East 72 feet more or less to the Western margin of a lake; run thence Southerly and Easterly along the meanderings of the lake to a point that is North 13 deg. 47' 08" West for 120.00 feet more or less from the point of beginning; run thence South 13 deg. 47' 08" East for 120.00 feet more or less to the point of beginning.

Section 4. Map: A map showing the above described territory sought to be annexed into the City of Foley, Baldwin County, by the provisions of this Act, is on file in the office of the Judge of Probate, Baldwin County, Alabama, and is open to inspection by the public.

Section 5. Referendum: The Judge of Probate of Baldwin County, Alabama shall, within 20 days of the effective date of this Act, make and enter an order upon the minutes of the Court, directing and ordering a referendum to be held by the qualified electors residing within the territory described above not less than 20 days nor more than 40 days from the date of the making of the Order. The Judge shall give notice of the holding of the referendum by publication in the newspaper published within the area sought to be annexed, which notice shall state the day and times which the referendum is to be held, the voting place(s) within the above described area to be annexed, and the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Foley, and the notice shall give a description of the territory proposed to be annexed and shall state that a map of the territory is on file in the office of the Judge of Probate of Baldwin County, open to the inspection of the public. In addition, the referendum shall be conducted according to the following specifications:

1. The judge of probate may designate as many places within the territory proposed to be annexed as he or she may deem necessary for the convenience of the voters and shall designate the boundaries within which the voters shall reside to vote at the respective voting places and shall appoint three inspectors of election, two clerks and one returning officer for each voting place. The inspectors shall manage the referendum at the respective voting places at which they are appointed as inspectors.

2. Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the City of Foley for three

months next preceding the referendum date may vote at the referendum, but shall vote at the voting place designated by the Judge of Probate for voters in the territory in which he or she resides.

3. The referendum to determine whether or not the proposed territory shall be brought within the corporate limits shall be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as changed by the provisions of this Act.

4. The official ballot will be provided, and it shall have the following words written or printed thereon:

“For annexation ()” and “Against annexation ()”.

5. The inspectors at the respective voting places shall, as soon as the polls are closed, ascertain and certify the results of the referendum at their respective voting places to the Judge of Probate and deliver the same to the returning officer, who shall at once return the same to the Judge of Probate, and the Judge of Probate shall canvass the return as made by the inspectors and if it appears that a majority of the votes cast at the election were “for annexation,” the Judge shall make and enter an order on the records of the Probate Court adjudging and decreeing the corporate limits of the City of Foley to be extended so as to include the territory described in this Act and shall cause this Act, the map and all orders or decrees or judgments to be recorded in the records in the Sheriff’s office, and from the time of the entry of the order the territory shall be a part of and within the corporate limits of the City of Foley.

6. If it appears that a majority of the votes cast at the referendum are “against annexation,” the Judge of Probate shall make and enter an order on the records of the Court adjudging and decreeing that a majority of the votes at the referendum were cast against coming into the corporate limits of the City of Foley and that the territory described and designated in this Act and the plat or map attached shall not form a part of or be embraced in the City of Foley until it may thereafter be brought into the City of Foley as a part thereof. Also, if the majority are “against annexation,” this Act shall have no further effect.

7. The results of the referendum may be contested by any qualified elector voting at the referendum in the manner provided for contest of general municipal elections, making the City of Foley the contestee. The City of Foley shall pay all of the costs and expenses incidental to the referendum.

Section 6. Severability: The provisions of this Act are severable. If any part or provision of this act is declared invalid or

unconstitutional, such declaration shall not affect the part or portions which remain.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 11:52 A.M.

Act No. 98-636

H. 971 – Rep. Allen

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Brookwood in Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Brookwood in Tuscaloosa County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

Tract 1.

The West one-half of the Southeast one-fourth of Section 19, Township 21 South, Range 7 West, Tuscaloosa County, Alabama. (Said parcel containing 80 acres more or less.)

Tract 2.

The Northeast one-fourth of the Northeast one-fourth of Section 30, Township 21 South, Range 7 West, Tuscaloosa County, Alabama. (Said parcel containing 17 acres more or less.)

Tract 3.

A strip of property one acre wide, running South on the West side of the West one-half of the Southeast one-fourth of Section 20, Township 21 South, Range 7 West, turning and continuing West on the Northern part of the Northeast one-fourth of the Northwest one-fourth of Section 29, Township 21 South, Range 7 West; turning and continuing South on the West side of the Northeast one-fourth of the Northwest one-fourth of Section 29, Township 21 South, Range 7 West, until it joins the right-of-way of Interstate 59. (Said parcel containing 26 acres more or less and being in Tuscaloosa County.)

Tract 4.

All of the Northwest Quarter of the Northwest Quarter of Section 29, Township 21 South, Range 7 West, all being in

Tuscaloosa County, Alabama, less and except one acre in the Southwest corner of the above described Forty Acres of land now owned by Travis Wilson, and also Less and Except Four Acres of land now owned by Alanzo Wilson situated on the North side of the above described Forty Acres of land. The above described land contains 35 acres and lies East and South of the road crossing said Forty Acres, commonly referred to as the Brookwood Truck Stop. (Source of Title: Deed Book 358, Page 558.)

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Brookwood is on file in the office of the Judge of Probate in Tuscaloosa County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:53 A.M.

Act No. 98-637

H. 843 – Rep. Laird

AN ACT

To amend Section 40-2A-11, Code of Alabama 1975, to permit a discount to be allowed when a tax remittance is timely paid, but the reporting form is not timely received under circumstances which constitute reasonable and just cause; to amend Section 41-1-22, Code of Alabama 1975, to provide authority to waive penalties, interest, and reinstate the statute-allowable discount when electronic payments of taxes are delayed as a result of unforeseen circumstances arising at financial institutions, federal reserve facilities, or state agencies; and to provide retroactive effect to October 1, 1997.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-2A-11 and 41-1-22, Code of Alabama 1975, are amended to read as follows:

“§40-2A-11.

“(a) Failure to timely file return. If a taxpayer fails to file any return required to be filed with the department on or before the date prescribed therefor, determined with regard to any extension of time for filing, there shall be assessed as a penalty the greater of 10 percent of any additional tax required to be paid with the return or fifty dollars (\$50).

“(b) Failure to timely pay tax. If a taxpayer fails to pay to the department the amount of tax shown as due on a return required to be filed on or before the date prescribed for payment of the tax, determined

with regard to any extension of time for payment, there shall be added as a penalty one percent of the amount of the tax due if the failure to pay is for not more than one month, with an additional one percent for each additional month or fraction thereof during which failure to pay continues, not exceeding 25 percent in the aggregate. In lieu of the penalty provided in the immediately preceding sentence, for any tax for which a monthly or quarterly return is required, or for which no return is required, the department shall add a failure to timely pay penalty of 10 percent of the unpaid amount shown as tax due on the return or the amount stated in the notice and demand.

“(c) Underpayment due to negligence. If any part of any underpayment of tax is due to negligence or disregard of rules or regulations, there shall be added to the tax an amount equal to five percent of that part of the tax attributable to negligence or disregard of rules or regulations.

“For purposes of this subsection, the term “negligence” includes any failure to make a reasonable attempt to comply with Title 40, and the term “disregard” includes any careless, reckless or intentional disregard.

“(d) Underpayment due to fraud. If any part of any underpayment of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of that portion of the underpayment which is attributable to fraud.

“For purposes of this section, the term “fraud” shall have the same meaning as ascribed to the term under 26 U.S.C. Section 6663, as in effect from time to time.

“(e) Frivolous return penalty. If a taxpayer files a “frivolous return,” as that term is used in 26 U.S.C. Section 6702, that taxpayer may be liable for a penalty of up to two hundred fifty dollars (\$250).

“(f) Frivolous appeal penalty. If any appeal to the administrative law division or circuit court is determined to be frivolous or primarily for the purpose of delay or to impede collection of any tax, a penalty of two hundred fifty dollars (\$250) or 25 percent of the tax in question, whichever is greater, shall be assessed in addition to any tax due.

“(g) Penalties not exclusive. The penalties provided in this section for failure to timely file a return, failure to timely pay tax, filing a frivolous return, filing a frivolous appeal, or negligence may be asserted against the same taxpayer for the same tax period. If the fraud penalty is asserted, no other penalties shall be asserted.

“(h) Waiver of penalties. Notwithstanding the foregoing, no penalty under this title or Section 10-2B-15.02 shall be assessed, or if assessed, shall be waived upon a determination of reasonable cause. Reasonable cause shall include, but not be limited to, those

instances in which the taxpayer has acted in good faith. The burden of proving reasonable cause shall be on the taxpayer.

“(i) Discount sustained for just causes. - All other provisions of tax laws notwithstanding, the Commissioner of the Department of Revenue, upon review of the circumstances involved, may authorize continuance of a statute-allowable discount when timely payment is made, but filing is delayed for just causes.

“(j) Penalty and interest assessed as tax. All penalties and interest administered by the department shall be assessed and collected in the same manner as taxes.

“(k) Penalty not to apply to registration and titling of motor vehicles. The penalties provided herein shall not apply to the registration or titling of motor vehicles.

“§41-1-22.

“To allow for possible late payments due to unexpected problems arising at financial institutions, federal reserve facilities, the automated clearing house system, or state agencies where it is proven that a good faith attempt was made and due diligence was exercised to initiate payment correctly and on a timely basis, the administering state agency is specifically authorized to waive all penalties, interest, or disallowed discount on late payments for a period not to exceed two business days following the due date of the payment.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become retroactively effective to October 1, 1997, upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 11:54 A.M.

Act No. 98-638

H. 340 – Rep. Hooper

AN ACT

To amend Section 36-29-14 of the Code of Alabama 1975, relating to the state employees' health insurance plan and providing procedures for the officers, employees, and retirees of the Alabama Rural Water Association to be covered under the plan.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-29-14 of the Code of Alabama 1975, is amended to read as follows:

“§36-29-14.

“(a) Any agency of the state, any county, any municipality, any fire or water district or authority, any regional planning and development commission established pursuant to Sections 11-85-50 through 11-85-73, that is not and was not for the twelve months immediately preceding the date of application to participate in any plan created pursuant to the provisions of this article a member of an existing government sponsored health insurance program, formed under the provisions of Section 11-26-2, the Association of County Commissions of Alabama or the Alabama League of Municipalities or the Alabama Retired State Employees’ Association , the Alabama State Employees Credit Union or the Alabama Rural Water Association may, by resolution legally adopt to conform to rules prescribed by the State Employees’ Insurance Board, elect to have its officers, employees, and retired employees become eligible for health insurance coverage under the State Employees’ Insurance Board without any liability to the state or the State Employees’ Health Insurance Plan.

“(b) Acceptance of the employees identified in subsection (a) shall be optional with the State Employees’ Insurance Board.

“(c) Employees, officers, and retirees who are eligible for health insurance pursuant to this section shall be entitled to coverage and benefits as designated by the State Employees’ Insurance Board.

“(d) Any portion of the cost of the insurance coverage as determined by the State Employees’ Insurance Board for the employees, officers, and retirees and their dependents pursuant to this section may be paid by the employer.

“(e) The chief fiscal officer of each employer shall remit to the State Employees’ Insurance Board the amount of premiums required for employee and dependent coverage under this section. The employer shall furnish the necessary information to the State Employees’ Insurance Board.

“(f) The agreement of any employer to have its employees, officers, and retirees to be covered under the health insurance plan provided by the State Employees’ Insurance Board may be revoked only by complying with the following provisions:

“The employer, by resolution of the governing body, shall signify its intention and desire to withdraw from such plan in writing and by delivering a copy of such resolution by certified mail to the State Employees’ Insurance Board no later than six months prior to the

effective date of withdrawal. Any employer that withdraws from participation in such plan shall be responsible for paying its claims incurred prior to the date of withdrawal, but not reported and paid prior to the date of withdrawal. The withdrawing employer shall also be liable for interest which will accrue at a rate of 1.5 percent per month on any monies due to the State Employees' Insurance Board which are over 30 days past due. Any organization which provides or administers health insurance benefits through the Local Government Health Insurance Program shall not provide or administer health insurance benefits to any entity which withdraws from the Local Government Health Insurance Program for a period of two years from the effective date of withdrawal.

“(g) The State Employees' Insurance Board shall promulgate such rules and regulations as may be necessary for the effective administration of the provisions of this section.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:55 A.M.

Act No. 98-639

H. 489 – Rep. Hooper

AN ACT

To amend Sections 36-29-21, 36-29-23, 36-29-24, and 36-29-29 of the Code of Alabama 1975, to provide for long-term care insurance to be included in the flexible employee benefits plan for certain state employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-29-21, 36-29-23, 36-29-24, and 36-29-29 of the Code of the Alabama 1975, are amended to read as follows:

“§36-29-21.

“When used in this article, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

“(1) BOARD. The flexible employees benefits board.

“(2) EMPLOYEE. A person who is employed by the state of Alabama, its agencies, departments, or for a county health department, and who receives his compensation through means of a state warrant drawn upon the state treasury, or by check drawn by the Alabama state docks department, or from the treasury of the department of mental health and mental retardation, other than those

employees covered by the federal Railroad Retirement Act. Further, for the purposes of long-term care insurance, this definition covers any person employed by a local government in the State of Alabama.

“(3) INTERNAL REVENUE CODE. The Internal Revenue Code of 1986, as amended.

“(4) PARTICIPATING EMPLOYEE. An employee who elects to participate in the flexible benefit plan and meets the requirements set forth in said plan.

“(5) SALARY REDUCTION AGREEMENT. A written agreement between a participating employee and a state agency, department, or county health department, whereby the employee agrees to reduce his salary by a stated amount, or an amount equal to the cost of benefits selected under a flexible employee benefit plan, and the state agency, department, or county health department agrees to contribute such amounts to cover the cost of benefits selected by the participating employee, including related administrative expenses.

“§36-29-23.

“The board, with the approval of the governor, is authorized to establish a flexible employee benefit plan for state employees in compliance with section 125 and any other applicable sections of the Internal Revenue Code. The flexible employee benefit plan may provide for payments or salary reductions for qualified benefits in accordance with section 125 of the Internal Revenue Code, which presently include health insurance premiums, group life insurance, disability insurance, supplemental health and accident insurance, dependent care expenses, and such other types of employee benefits permitted under section 125 and any other applicable sections of the Internal Revenue Code. Furthermore, the board may establish a long-term care plan for employees.

“§36-29-24.

“In order to carry out the provisions of the flexible employee benefit plan or any long-term care plan, or both, the board, the head of each department, agency, or county health department is authorized on behalf of the state to deduct or reduce from salary or wages amounts voluntarily designated by the employees pursuant to salary reduction agreements or benefit deduction agreements for purchasing benefits offered under the plan.

“§36-29-29.

“The board and the head of each department, agency, or county health department, and their employees shall not incur any liability to any employee for errors or omissions in the performance of any agreement authorized by this article.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 11:56 A.M.

Act No. 98-640

H. 634 – Rep. Carter

AN ACT

Relating to Athens State College; to rename the college Athens State University.

Be It Enacted by the Legislature of Alabama:

Section 1. The school established at Athens, Alabama, known as and called Athens State College, is and shall remain a body corporate under the corporate name of Athens State University, and by that name may have and exercise all powers previously enjoyed by Athens State College and shall succeed to all the rights, privileges, obligations, liabilities, emoluments, benefits, interests, and titles at any time vested in the institution in its respective names. None of the powers, authority, obligations, liabilities, or functions of the institution shall be abated or impaired by this section. Only the name of the institution shall be changed by this section. Whenever the institution is referred to in the constitution, laws, rules, or regulations of this state, or any instrumentality of this state, by any one of the respective names by which it has been known, the same shall be considered to refer to Athens State University.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:57 A.M.

Act No. 98-641

H. 608 – Rep. Johnson (R)

AN ACT

To amend Section 32-6-250, Code of Alabama 1975, relating to distinctive license plates, by authorizing the issuance of distinctive license plates to residents of this state who as a United States civilian during any armed conflict was held as a prisoner of war by forces hostile to the United States during any armed conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-250, Code of Alabama 1975, is amended to read as follows:

“§32-6-250.

“(a) A distinctive permanent license plate shall be issued to any resident of the state who is a recipient of the Medal of Honor or the Purple Heart Medal or to any resident who shows by satisfactory proof that he or she was a duly recognized former prisoner of war, for use on a private motor vehicle registered in the name of the recipient. There shall be no fee or tax for the license plate, except Purple Heart Medal recipients shall pay ad valorem taxes on vehicles for which the distinctive plates are issued, and no recipient shall receive a plate for more than one vehicle.

“(b) A former prisoner of war for purposes of this section is a person who, as a member of the United States Armed Forces, or while serving with a formal United States ally force, or as a United States civilian, was held as a prisoner of war during any armed conflict by forces hostile to the United States.”

“(c) A person eligible to be issued a distinctive license plate under this section may be issued additional distinctive license plates, under any of the above license plate categories, if the person otherwise qualifies to receive the distinctive license plate, upon payment of all license tax and registration fees, including ad valorem taxes, for the vehicles. Annual renewal decals shall be provided after payment, if required, of license fees and taxes for the years during which a new tag or plate is not issued as provided in Section 32-6-63 of the Code of Alabama 1975.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 11:58 A.M.

Act No. 98-642

H. 80 – Rep. Sanderson

AN ACT

To amend Section 11-13-6, Code of Alabama 1975, to further provide for the reimbursement to the local government for the cost of advertising a proposed local law raising revenue after the proposal becomes law.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-13-6, Code of Alabama 1975, is amended to read as follows:

“§11-13-6.

“(a) The county commission shall pay from the county treasury, at the regular legal rate, the cost of the advertising of notice

and substance of all local bills which may be introduced in the legislature by any member of the legislature from the county, if the notice is signed by the member, whether the bill is passed by the legislature or not. If the bill is for the benefit of or in reference to subjects or matters exclusively relating to one or more municipalities in the county, the municipality or municipalities shall reimburse the county for the cost of the advertising. If two or more municipalities are liable to reimburse the county for the cost of advertising the same bill, each municipality shall pay to the county an amount which bears the same ratio to the total cost of advertising as such municipality's population bears to the total population of all the municipalities affected by the bill.

“(b) After the effective date of the act adding this subsection, except in the case of a bill for the benefit of or on subjects or matters exclusively relating to one or more municipalities in the county, if a proposed local law raising revenue for a public or private local entity other than the county commission becomes law, the public or private local entity receiving the proceeds of the revenue raising measure shall reimburse the county commission for the cost of advertising the local law from the first revenues generated by the local law. If the proposed local law would raise revenue for two or more local public or private entities, including the county commission or a municipality, each entity shall pay from the first revenues generated by the law, a pro rata share of the cost of advertising based upon the proposed percentage of generated revenue to each entity under the local law.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:30 A.M.

Act No. 98-643

H. 615 – Rep. Guin

AN ACT

To amend Sections 34-23-1, 34-23-51, 34-23-53, 34-23-72, and 34-23-73, Code of Alabama 1975, relating to the licensing of pharmacists and pharmacies, to provide for the establishment by the Board of Pharmacy of training criteria for interns and preceptor and training site requirements.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-23-1, 34-23-51, 34-23-53, 34-23-72, and 34-23-73, Code of Alabama 1975, are amended to read as follows:

“§34-23-1.

“For the purpose of this chapter, the following words and phrases shall have the following meanings:

“(1) ASSOCIATION. The Alabama Pharmacy Association.

“(2) BOARD OR STATE BOARD. The Alabama State Board of Pharmacy.

“(3) CHEMICAL. Any substance of a medicinal nature, whether simple or compound, obtained through the process of the science and art of chemistry, whether of organic or inorganic origin.

“(4) DISPENSE. To sell, distribute, administer, leave with, give away, dispose of, deliver, or supply a drug or medicine to the ultimate user or their agent.

“(5) DRUGS. All medicinal substances, preparations, and devices recognized by the United States Pharmacopoeia and National Formulary, or any revision thereof, and all substances and preparations intended for external and internal use in the cure, diagnosis, mitigation, treatment, or prevention of disease in man or animal and all substances and preparations other than food intended to affect the structure or any function of the body of man or animal.

“(6) EXTERN. A candidate for licensure as a pharmacist during the time prior to graduation from an accredited college or pharmacy.

“(7) HOSPITAL. An institution for the care and treatment of the sick and injured, licensed by the Alabama State Board of Health and authorized to be entrusted with the custody of drugs and medicines, the professional use of drugs and medicines being under the direct supervision of a medical practitioner or pharmacist.

“(8) INTERN. An individual who is currently licensed by this state to engage in the practice of pharmacy while under the personal supervision of a pharmacist and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist; or a graduate of an approved college of pharmacy who is currently licensed by the Board of Pharmacy for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or a qualified applicant awaiting examination for licensure.

“(9) LEGEND DRUG. Any drug, medicine, chemical, or poison bearing on the label the words, “caution, federal law prohibits dispensing without prescription,” or similar wording indicating that such drug, medicine, chemical, or poison may be sold or dispensed only upon the prescription of a licensed medical practitioner.

"10 LICENSE. The grant of authority by the State Board of Pharmacy to a person authorizing him or her to engage in the practice of pharmacy in this state.

"(11) MANUFACTURER. A person, except a pharmacy, who prepares, derives, produces, compounds, or packages any drug, medicine, chemical, or poison.

"(12) MEDICAL PRACTITIONER. Any physician, dentist, or veterinarian, or any other person authorized by law to treat, use, or prescribe medicine and drugs for sick and injured human beings or animals in this state.

"(13) MEDICINE. Any drug or combination of drugs that has the property of curing, diagnosing, preventing, treating, or mitigating diseases or that which may be used for those purposes.

"(14) PATENT or PROPRIETARY MEDICINES. Completely compounded nonprescription packaged drugs, medicines, and non-bulk chemicals which are sold, offered, promoted, or advertised by the manufacturer or primary distributor under a trademark, trade name, or other trade symbol, and the labeling of which conforms to the requirements of the Federal Food, Drug, and Cosmetic Act; provided, that this definition shall not include:

"a. Drugs which are only advertised and promoted professionally to licensed physicians, dentists, or veterinarians by manufacturers or primary distributors.

"b. A narcotic or drug containing a narcotic.

"c. A drug the label of which bears substantially either the statements "caution—federal law prohibits dispensing without prescription" or "warning—may be habit-forming".

"d. A drug intended for injection

"(15) PERMIT. The grant of authority by the State Board of Pharmacy to any person, firm, or corporation authorizing the operation of a pharmacy, wholesale drug distributor, repackager, bottler, manufacturer, or packer of drugs, medicines, chemicals, or poisons for medicinal purposes. Nonresident wholesale drug distributors registered with the appropriate agency, in the state in which they are domiciled, and operating in compliance with Prescription Drug Marketing Act standards, shall be allowed to do business in this state. No permit shall be required of any physician licensed to practice medicine for any act or conduct related to or connected with his or her professional practice.

"(16) PERSON. Any individual, partnership, corporation, association, trust, or other entity.

"(17) PHARMACIST. Any person licensed by the Alabama State Board of Pharmacy to practice the profession of pharmacy in the State of Alabama and whose license is in good standing.

"(18) PHARMACY. A place licensed by the Alabama State Board of Pharmacy in which prescriptions, drugs, medicines, medical devices, chemicals, and poisons are sold, offered for sale, compounded, or dispensed, and shall include all places whose title may imply the sale, offering for sale, compounding, or dispensing of prescriptions, drugs, medicines, chemicals, or poisons.

"(19) POISON. Any substance other than agricultural products and pesticides which when applied to, introduced into, or developed within the body in relatively small quantities by its inherent chemical action uniformly produces serious bodily injury, disease, or death.

"(20) PRECEPTOR. A person who is duly licensed to practice pharmacy in the state and meets the requirements as established by the Board of Pharmacy.

"(21) PRESCRIPTION. Any order for drug or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, closed circuit television, or other means of communication by a legally competent practitioner, licensed by law to prescribe and administer such drugs and medical supplies intended to be filled, compounded, or dispensed by a pharmacist.

"(22) PROFESSIONAL DEGREE. A degree in pharmacy requiring a minimum of five academic years.

"(23) REPACKAGER. A person who purchases or acquires from a manufacturer or distributor, a drug, medicine, chemical, or poison for the purpose of bottling, labeling, or otherwise repackaging for sale or distribution. This definition shall not apply to a physician licensed to practice medicine who as a part of his or her professional practice dispenses, administers, sells, or otherwise distributes any drug to a patient.

"(24) SALE. Barter, exchange, or gift, or offer of barter, exchange, or gift, and shall include each transaction made by any person, whether a principal, proprietor, agent, servant, or employee.

"(25) WHOLESALE DRUG DISTRIBUTORS. A person engaged in the business of distributing drugs and medicines for resale to pharmacies, hospitals, practitioners, government agencies, or other lawful outlets permitted to sell drugs or medicines. The sale, purchase, or trade of a drug by a retail pharmacy to another retail pharmacy or practitioner, for relief of temporary

shortages, is exempt from this definition. Also exempt from this definition shall be (a) intracompany sales, (b) manufacturer and distributor sales representatives who distribute drug samples, (c) charitable organizations distributing to nonprofit affiliates of that organization, (d) certain purchases by hospitals or other health care entities that are members of a group purchasing organization, and (e) the distributors of blood and blood components.

“§34-23-51.

“Every person who desires to practice pharmacy within this state shall file with the secretary of the board his or her written application for licensure upon forms furnished by the board not less than 10 days prior to his or her examination. The application shall be accompanied by an examination and registration fee for residents and nonresidents of this state, the fees to be set by the board. The application shall be accompanied by two recent photographs of the applicant, no larger than 2 1/2 x 3 1/4 inches and certified on the back of each photograph by a notary public. The applicant shall furnish satisfactory proof that he or she is at least 19 years of age, of good moral character, and that he or she holds a professional degree from a division, school, college, or a university department of pharmacy recognized by the State Board of Pharmacy. The applicant shall have completed an approved practical training program under the supervision of a licensed pharmacist in a site recognized by the board as qualified for training pharmacy externs and interns, the training standards to be established by the board as long as the standards are not less than those set by the National Association of Boards of Pharmacy. The completion of the practical training requirements shall be attested by affidavit from the licensed pharmacist preceptor under whom the training is served. The applicant shall pass an examination administered by the board in subjects consistent with those required by the National Association of Boards of Pharmacy and in accordance with the rules and regulations of the board. In case of failure of a first examination, the applicant shall have within three years the privilege of a second and third examination. In case of failure in the third examination, the applicant shall be eligible for only one additional examination and this only after he or she has satisfactorily completed additional preparation as directed and approved by the board. An applicant may be admitted to the examination provided all of the foregoing requirements are met, and in addition, that affidavits attesting to the prescribed practical training program have been presented to the secretary prior to the examination. An application for examination by the board may be denied if the applicant is proven to have been involved in any violation of this chapter. An applicant who has been expelled from an examination for cribbing,

cheating, or other dishonest conduct shall not be permitted to complete the examination applied for and shall not be permitted to file a new application for examination during the balance of the same calendar year or the calendar year next following the expulsion. The board may issue a license without examination to an applicant who furnishes satisfactory proof that he or she has been licensed to practice pharmacy by examination in another state that under like conditions grants reciprocal licensure without examination to pharmacists duly licensed by examination in this state, that he or she is a person of good moral character and temperate habits, and provided that the requirements in the state from which the applicant is reciprocating were no less than the requirements of the National Association of Boards of Pharmacy. The application shall be accompanied by a fee set by the board. Each applicant for licensure by reciprocity shall be personally interviewed by two or more members of the board before being granted a license, and the applicant shall pass a written examination on the laws governing the practice of pharmacy in this state. The applicant shall be approved for reciprocity by the board prior to the time that he or she begins the duties of a licensed pharmacist in this state. No applicant shall be granted reciprocal licensure unless all evidence and supporting documents of licensure in the state from which the applicant is reciprocating are approved as meeting the requirements for reciprocity of the National Association of Boards of Pharmacy. The board shall set and collect a fee for submitting and certifying grades for reciprocity in other states.

“§34-23-53.

“Candidates for licensure as pharmacists shall complete a practical training program as prescribed by the board in keeping with standards established by the national accreditation agencies. The candidate shall apply to the board for proper reporting forms and shall ascertain that the preceptor under whom he or she proposes to take his or her practical training is a qualified preceptor. The candidate shall receive credit for experience gained only in an approved site under the supervision of an approved preceptor. The candidate must keep records as prescribed by the board of all professional experience gained, and upon request, must report to the board and furnish information relative to the practical experience gained. The board may accept internship affidavits from other states, provided the internship requirements are no less than requirements of the National Association of Boards of Pharmacy.

“§34-23-72.

Every site approved by the Board of Pharmacy for intern training shall be managed so that the intern is provided with ample

opportunity to meet the training requirements established by the board. The site must have in its employ, or have an arrangement with, a pharmacist who is registered as a preceptor. A site which meets these qualifications may be approved for internship training by the board.

“§34-23-73.

“Every pharmacist serving as a preceptor shall have expressed a willingness to serve as a preceptor. Pharmacist preceptors shall be approved by the board and shall be willing to cooperate with the board in developing the necessary training requirements and shall provide appropriate documentation to the board. Each preceptor shall certify as to the commencement and completion of the training period and may make recommendations to the board concerning the competency of his or her trainee. The preceptor shall report to the board from time to time as requested on the progress of any intern or extern under his or her supervision. It shall be his or her responsibility in a supervisory capacity to see that extern receives proper training under the objectives of the board for this practical training program.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:59 A.M.

Act No. 98-644

H. 948 – Rep. Johnson (R)

AN ACT

Relating to Talladega County, to authorize the juvenile court to conduct drug testing; to establish a method of payment of fees for the administered tests; to provide for the collection of monitoring fees in regard to in-home detention of juveniles; and to provide for the distribution of the fees collected to the appropriate accounts to carry out the purposes of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Talladega County.

Section 2. The Legislature finds that the Juvenile Court of Talladega County has established a drug testing laboratory and the laboratory has excess capacity that can be utilized by other agencies, courts, and jail facilities or other entities deemed appropriate, including, but not limited to, school systems, departments of human resources, mental health facilities, public health departments, court systems, and classes of individuals. Testing shall be

done on a fee basis as established herein. Legislation is needed to provide for handling of funds for costs associated with testing and the collection of fees associated with testing in view of the fact that there is not a local source for testing that meets the needs of Talladega County for timely testing for drugs.

Section 3. (a) Upon agreement or by order of a court to test, the juvenile court may conduct drug tests on samples provided and supply timely results to the appropriate court, agency, or individual. The juvenile court may employ outside laboratories for testing if necessary or refer the testing to another laboratory at its discretion, as the testing program established by the juvenile court may require.

(b) The fee for drug testing shall be set by the juvenile court and shall be reasonable in accordance with other fees for the same testing performed by court referral officers, probation officers, or private laboratories. In the case of any criminal or quasi-criminal proceedings, the fees for any test performed prior to conviction shall be assessed in the sentencing phase only after conviction. Fees associated with drug testing shall be collected in the same manner as fines, costs, and assessments are collected by the court. In the event that any testing is done pursuant to any agreement entered into with an agency or an individual, fees shall be assessed and collected in accordance with that agreement. Otherwise, the fees may be collected by any means available at law for the collection of fees as presently available for collection of fines, costs, and other assessments or civil debts.

Section 4. The juvenile court may charge a reasonable fee for home monitoring equipment which enables a juvenile to be placed in his or her home in lieu of detention or when used as a sentencing alternative and the fees shall be collected in the same manner as fines, costs, and assessments are collected by the court.

Section 5. (a) The fees collected pursuant to this act shall be made payable to the Circuit Clerk of Talladega County who shall disburse the proceeds as follows:

(1) For payment of the drug test for the case for which the fee is collected before any other fines, costs, or fees, if any, are paid.

(2) The balance quarterly to the Talladega County Commission for payment to the Juvenile Justice Fund for juvenile court purposes.

(b) Fees in any cases which are more than six months old and for which the associated fees for drug testing have not been paid shall be paid from the proceeds of subdivision (4) of Section 7 of Act 90-424, and in the month of January each year the juvenile

court shall ascertain which cases are delinquent and present those cases for payment.

(c) The Administrative Office of Courts shall cooperate with the clerk in providing the necessary system to accomplish and carry out the objectives of this act as requested by the presiding juvenile judge and for the collection and disbursement of all monies collected through this program.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 11:29 A.M.

Act No. 98-645

H. 613 – Reps. Jackson and Dolbare

AN ACT

Relating to Clarke County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the deposit, distribution, and auditing of the profits; and confirming and ratifying certain prior actions.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Clarke County or the authorized agents of the sheriff may operate a jail canteen and inmate telephone system within the confines of the county jail to serve the needs of the jail population. After the costs and operating expenses are deducted from the income, excluding any income from fees paid for the boarding and feeding of prisoners, the net revenues shall be deposited in the Sheriff's Jail Fund.

Section 2. (a) The sheriff shall establish and maintain a Sheriff's Jail Fund in a bank located in Clarke County.

(b) The sheriff shall keep an account of all jail canteen and inmate telephone system sales and transactions and the Sheriff's Jail Fund for annual audit by the Department of Examiners of Public Accounts. The jail canteen and inmate telephone system account and fund shall be audited at the same time other accounts of the sheriff are audited. The Department of Examiners of Public Accounts shall submit a copy of the audit to the sheriff within 30 days of its completion.

Section 3. All profits realized in the operation of the jail canteen and inmate telephone system shall be expended at the discretion of the sheriff for salaries, equipment, and supplies for the county jail and other law enforcement purposes in Clarke County that are in the interest of the public.

Section 4. The establishment of the Sheriff's Jail Fund and the use of the proceeds shall not diminish or take the place of any other source of income established for the sheriff or the operation of the office.

Section 5. Any actions relating to the operation of a jail canteen and inmate telephone system in the county jail prior to the effective date of this act are ratified and confirmed. Any existing proceeds derived from the operation of a jail canteen in the county jail prior to the effective date of this act shall be deposited into the Sheriff's Jail Fund created by this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 2:30 P.M.

Act No. 98-646

H. 804 – Rep. Clark (W)

AN ACT

Relating to Mobile County; providing for an additional recording fee of two dollars on each document filed with the judge of probate and for the disposition of the recording fee; and to provide for the methods of archiving court records.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, a special recording fee of two dollars (\$2) shall be collected by the judge of probate on each real or personal property, uniform commercial code, judicial, or other instrument recorded or filed for record in the probate court of the county. The special recording fee shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the recording or filing for record of any real or personal property, uniform commercial code, judicial, or other instrument. All special recording fees collected shall be deposited by the judge of probate in any depository in the county as designated by the county governing body.

Section 2. The fees collected under this act shall be expended at the discretion of the judge of probate for the preservation and

restoration of court records and to develop, purchase, install, upgrade, and maintain a computerized system for recording, indexing, imaging, and storing of real and personal property records, uniform commercial code filings, judicial proceedings, financial accounts, and any other records required to be maintained by the court.

Section 3. The judge of probate may retain all or parts of court records for archival purposes utilizing optical disks, or other acceptable computerized methods for records storage, or any combination thereof. The use of microfilm to retain and archive court records in the county may be discontinued and replaced with digitized or scanned images of records committed to optic disks, or the like. Records archived and retained on optic disks, or the like, shall constitute official records of the court and may be compiled and certified and sold to the public in accordance with applicable statutes. All funds collected for copies and certifications shall be paid to the county general fund.

Section 4. The judge of probate from time to time shall establish a policy on the sale of or access to computerized index information and digitized images maintained in the probate court. All funds received from the sale of the information and images shall be paid to the county general fund.

Section 5. This act is cumulative. Nothing contained in this act shall alter or change an existing law relating to charges and fees to be collected by the Judge of Probate of Mobile County.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 2:31 P.M.

Act No. 98-647

H. 859 – Rep. Gipson

AN ACT

Relating to Autauga County; providing further for additional costs and charges in all circuit and district court cases, and providing for the establishment of a juvenile court services fund in the county and for the distribution of monies in the fund.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other costs and charges in circuit and district court cases in Autauga County, a fee of ten dollars (\$10) shall be charged and collected by the clerk of the court.

When collected by the clerk of the court, the additional fee shall be remitted monthly to the juvenile court services fund.

(b) In addition to any other costs and charges now provided by law, a monthly supervision fee may be assessed in juvenile court cases at the discretion of the juvenile court judge. The supervision fee shall be collected by the juvenile court office and deposited in the juvenile court services fund.

(c) There is hereby established a juvenile court services fund for the deposit of the additional court costs levied by this act. The fund shall be maintained in an interest-bearing account in a bank of known responsibility under the supervision of the Juvenile Court Judge of Autauga County, expended solely for juvenile programs, equipment, and subsistence for the juvenile court staff in the county to aid the functions of the juvenile court and benefit of the children of Autauga County. Any funds expended shall be authorized by the Juvenile Court Judge of Autauga County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 2:32 P.M.

Act No. 98-648

H. 554 – Reps. Morrison and Drake

AN ACT

Relating to Cullman County; authorizing the sheriff to operate a jail store and telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Cullman County or the authorized agents of the sheriff may operate a jail store and a telephone system for prisoners within the confines of the county jail. The jail store and telephone system shall be operated to serve the needs of the jail population.

Section 2. (a) The sheriff shall establish and maintain a Law Enforcement Fund in a bank located in Cullman County. All proceeds collected under this act shall be deposited by the sheriff into the Law Enforcement Fund.

(b) The sheriff shall keep an account of all jail store sales, telephone usage fees, and transactions of the Law Enforcement Fund

for audit by the Department of Examiners of Public Accounts. The jail store account, telephone system account, and Law Enforcement Fund shall be audited at the same time other accounts of the sheriff are audited. The Department of Examiners of Public Accounts shall submit a copy of the audit to the sheriff within 30 days of its completion.

Section 3. All profits realized in the operation of the jail store and telephone system shall be expended at the discretion of the sheriff for law enforcement purposes in Cullman County, including office expenses, that are in the interest of the public.

Section 4. The establishment of the Law Enforcement Fund and the use of the proceeds shall not diminish or take the place of any other source of income established for the sheriff or the operation of the office.

Section 5. Any actions relating to the operation of a jail store and telephone system in the county jail prior to the effective date of this act are ratified and confirmed. Any existing proceeds derived from the operation of a jail store and telephone system in the county jail prior to the effective date of this act shall be deposited into the Law Enforcement Fund created by this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 2:33 P.M.

Act No. 98-649

S. 680 – Senator Bailey

AN ACT

Relating to Geneva County; to authorize the judge of probate to provide for the mailing of tags, the collection of payment of ad valorem taxes and motor vehicle tags by mail, and the collection of a fee for the mail-out service.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate may, as an option to providing for citizens to acquire motor vehicle tags from the office of the judge of probate, provide for the mail-out of tags and the related collection of payment for ad valorem taxes and motor vehicle tags.

Section 2. The judge of probate shall collect a fee for each vehicle for the mail-out option provided in Section 1. The fee shall

be charged to cover the necessary costs of notification, handling, packing, and mailing of motor vehicle tags. No mail-out fee shall be charged for registration of vehicles made in person at the office of the judge of probate.

Section 3. The county commission shall set the mail-out fee to be collected and may adjust the fee as cost changes may require.

Section 4. The mail-out fee collected by the judge of probate shall be paid into the general fund of the county on a monthly basis.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 2:34 P.M.

Act No. 98-650

S. 610 – Senator Bailey

AN ACT

To amend Section 34-24-165 of the Code of Alabama 1975, relating to licensure of chiropractors; to allow the State Board of Chiropractic Examiners to increase the renewal fee for the license to practice chiropractic.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-24-165 of the Code of Alabama 1975, is amended to read as follows:

“§34-24-165.

“(a) Every license to practice chiropractic shall expire on September 30 of the year for which it is issued. Every person having a valid license may on or before September 30 renew the license for the ensuing year by the payment to the State Board of Chiropractic Examiners of a fee of not less than twenty-five dollars(\$25)nor more than three hundred dollars(\$300), the exact amount to be fixed annually by resolution of the board, accompanied by satisfactory evidence that the person has completed during

the preceding year a minimum of 18 hours of professional educational work approved by the board. The board may, for good and reasonable cause shown, waive the education requirement. The secretary-treasurer or the executive secretary of the board shall notify each licensee at least 20 days prior to September 30 of each year of the due date for renewal. In addition to the renewal fee, a twenty-five dollar(\$25) late renewal penalty shall be assessed any licensee who fails to pay the renewal fee by September 30 of each year.

“(b) Failure, by December 31 of each year, to renew a license and pay the renewal fee, late renewal penalty if applicable, and submit proof of completion of a minimum of 18 hours of approved professional educational work, unless waived, shall operate as a forfeiture of the right of the licensee to practice his or her profession in this state. A forfeited license may be reinstated by the board, in its discretion, upon payment of a reinstatement fee as required by Section 34-24-176, and all past fees due, including the late renewal penalty. All funds received by the board for annual license renewal fees may be used by the board for education, promotion and welfare of the science of chiropractic.

“(c) Any licensee who is no longer in active practice may apply for retirement of his or her license by submitting an affidavit to that effect on a form supplied by the executive secretary. A licensee whose license is retired is excused from the professional education requirement specified in this article. The annual fee for maintenance of a retired license shall be one-half of the amount required by this article for an active license. A retired licensee shall not be required to pay back fees and reinstatement fees required by this article. The board may require the retired licensee to enroll in and successfully complete a refresher course approved by the board at an accredited chiropractic college. The decision of the board as to whether a course of study will be required and whether a particular course of study will be approved shall be made on an individual case basis and shall be based on all relevant circumstances of that case.

“(d) The State Board of Chiropractic Examiners shall make rules and regulations as necessary and proper for effectuating or enforcing this article.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 2:35 P.M.

Act No. 98-651

H. 845 – Rep. Knight (A)

AN ACT

Relating to Bibb County; amending Section 1 of Act 80-552, 1980 Regular Session (Acts 1980, p. 802), relating to compensation of the coroner, to provide an increase in the expense allowance retroactively to May 19, 1980; to validate, ratify, and confirm all actions of the Bibb County Commission relative to the expense allowance; and to authorize the Bibb County Commission to make future increases in the expense allowance for the coroner by resolution.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 80-552, 1980 Regular Session (Acts 1980, p. 802), is amended to read as follows:

Section 1. “Section 1. (a) Effective retroactively to May 19, 1980, the coroner of Bibb County shall receive an expense allowance of two hundred dollars (\$200) per month payable out of the county general fund.

“(b) The operation of this section shall be retroactive to May 19, 1980, and all actions taken and payments made pursuant to this act, on and after that date are validated, ratified, and confirmed.

“(c) The Bibb County Commission may, by resolution, provide for any future reasonable increases in expense allowances for the coroner of Bibb County.”

Section 2. This act is curative and remedial and shall have retroactive effect to May 19, 1980, and any actions taken or payments made pursuant to this act since that date are validated, ratified, and confirmed.

Approved May 6, 1998

Time: 2:36 P.M.

Act No. 98-652

H. 950 – Rep. Seibenhener

AN ACT

Relating to Geneva County; to provide for the transfer of all duties, responsibilities, and liabilities regarding motor vehicle assessment and ad valorem tax collection from the revenue commissioner to the judge of probate and to provide for the transfer of all duties, responsibilities, and liabilities regarding real estate sales for failure to pay taxes and subsequent redemptions from the judge of probate to the revenue commissioner.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Geneva County.

Section 2. All duties, responsibilities, and liabilities regarding motor vehicle assessment and ad valorem tax collection heretofore performed by the revenue commissioner shall be transferred to and shall be performed by the judge of probate.

Section 3. All duties, responsibilities, and liabilities regarding real property sales for failure to pay taxes and subsequent redemptions heretofore performed by the judge of probate shall be transferred to and shall be performed by the revenue commissioner.

Section 4. The provisions of this act are not severable. If any part of this act is declared invalid or unconstitutional, then the entire act shall be invalid.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 2:37 P.M.

Act No. 98-653

H. 951 – Rep. Seibenhener

AN ACT

Relating to Geneva County; providing further for additional costs and charges in all Circuit, District and Juvenile cases (not including traffic) and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other costs and charges in Circuit, District and Juvenile Court cases (not including traffic) in Geneva County, a fee of \$5.00 shall be charged and collected by the Clerk of the Courts, \$3.00 shall be remitted monthly to the Juvenile Court Services Fund and \$2.00 shall be remitted monthly to the Judicial Administration Fund.

(b) Further, a monthly supervision fee not to exceed \$20.00 per month shall be assessed in Juvenile cases at the discretion of the Juvenile Court Judge. The supervision fee shall be collected by the Juvenile Court office and deposited in the Juvenile Court Services Fund.

(c) There is hereby established a Juvenile Court Services Fund for the deposit of the above described court cost monies and supervision fees. Said fund shall be maintained in an interest

bearing account in a bank of known responsibility under the supervision of the Juvenile Court Judge of Geneva County.

(d) Any funds appropriated from this fund shall be expended solely for juvenile programs and for subsistence for the Juvenile Court Services staff in said county; to aid the functions of the Juvenile Court and for the benefit of the children of Geneva County. Any funds expended shall be authorized by the Juvenile Court Judge of Geneva County.

(e) There is hereby established a Judicial Administration Fund for the deposit of the above described court costs monies. Said fund shall be maintained in an interest bearing account in a bank of known responsibility by the Presiding Circuit Court Judge.

(f) Any funds appropriated from the Judicial Administration Fund shall be expended for increasing the efficiency of Judicial Administration for continuing education for the Courts and Clerks and other related Court and Judicial purposes in Geneva County. Any funds expended shall be authorized by the Presiding Circuit Court Judge of Geneva County.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 2:38 P.M.

Act No. 98-654

H. 160 – Rep. Hinshaw

AN ACT

To amend Sections 40-21-80 and 40-21-100, Code of Alabama 1975, to clarify that computer access to Internet systems is not a taxable activity under public utilities tax statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-21-80 and 40-21-100, Code of Alabama 1975, are hereby amended to read as follows:

“§40-21-80.

“(a) For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

“(1) DEPARTMENT. The Department of Revenue of the State of Alabama.

“(2) DOMESTIC WATER. All water except water that sold to persons for use or consumption in industrial processes and not primarily for human consumption.

“(3) GROSS RECEIPTS. The value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses.

“(4) GROSS SALES. The value proceeding or accruing from the furnishing of utility services, and including the proceeds from the sale of any utility services handled on consignment by the taxpayer, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses.

“(5) PERSON. An individual, firm, copartnership, association, trust, receiver, corporation, or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America and operating in the State of Alabama, as well as every private or nonpublic entity.

“(6) RETAIL SALE. All sales except those defined herein as wholesale sales.

“(7) TAXPAYER. Any person liable for taxes under the provisions of this article.

“(8) UTILITY. Every person regularly engaged in furnishing utility services to another person in the State Alabama.

“(9) UTILITY SERVICES. Electricity, domestic water, natural gas, telegraph services, and telephone services; provided, however, that “utility services” shall not mean electricity, domestic water, natural gas, telephone services, or telegraph services stored, used, or consumed by a utility regularly engaged in furnishing the same such service to the public.

“(10) **WHOLESALE SALE.** A sale or exchange of utility services by a utility to any person or any other utility engaged in the resale of such utility services in the regular course of business.

“(11) **TELEPHONE SERVICES.** Local telephone service and intrastate toll telephone service, private communications service, teletypewriter, and computer exchange service. The term “telephone services” includes transmission by or through any media such as wires, cables, microwaves, light waves, or any combination of those or similar media. It includes, but is not limited to, telephone services sold by motels and hotels to their customers or to others, telephone services sold by colleges and universities to their students or to others, and telephone services sold by hospitals to their patients or to others. The term “telephone services” shall not include:

“(i) Telephone services provided through any pay telephone;

“(ii) Any excise, franchise, or similar tax or like fee or assessment levied by the United States, by the State of Alabama, or by any political subdivision, upon the purchase, sale, use, or consumption of any telephone services, which tax, fee, or assessment is collected by the seller from the purchaser;

“(iii) The furnishing of any telephone services for resale, including access charges paid by an interexchange carrier, provided that any utility making a sale of telephone services for resale shall obtain a certificate from the purchaser of such services certifying that such services are purchased for the purpose of resale, the form of the certification to be determined by rules and regulations to be promulgated by the department;

“(iv) Charges for customer premises equipment, including such equipment that is leased or rented by the customer from any source;

“(v) Cable television service, paging services, specialized mobile radio, or cellular mobile service; or

“(vi) Services which are ancillary to the provision of telephone service but are not directly related to the transmission of voice, data, or information such as directory advertising and installation and repair of equipment and inside wiring.

“The term “local telephone service” means the access to a local telephone system, and the privilege of telephonic-quality communication with substantially all persons having telephone stations constituting a part of such local telephone system.

“The term “toll telephone service” means (A) a telephonic-quality communication for which there is a toll charge which varies in

amount according to the distance and elapsed transmission time of each individual communication, or (B) a service that entitles the subscriber or user, upon the payment of a periodic charge that is determined as a flat amount or upon some basis of total elapsed transmission time, or upon some combination thereof, to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the local telephone system area in which the station provided with this service is located. The term "toll telephone service" includes wide-area telephone service charges.

"The term "private communications service" means a communication service that entitles the subscriber or user to exclusive or priority use of a communication channel or group of channels, regardless of whether such channel or group of channels may be connected through switching with a service described in this subparagraph.

"The terms "teletypewriter" and "computer exchange service" mean the access from a teletypewriter, telephone, computer, or other data station of which such station is a part, and the privilege of intercommunication by such station with substantially all persons having teletypewriter, telephone, computer, or other data stations constituting a part of the same teletypewriter or computer exchange system. The terms "teletypewriter" and "computer exchange service" do not include the storage of data or information for subsequent retrieval, the retrieval of data or information, or the processing, or reception and processing, of data or information intended to change its form or content, and the term "computer exchange service" shall not include access to the internet.

"The term "intrastate," as applied to telephone services, includes only those services originating and terminating wholly in this state.

"(b) "Herein," "hereby," "hereunder," "hereof," and other such words of reference shall refer to this article as a whole, and not solely to the particular section or portion of this article in which any such word may be used.

"(c) The definitions set forth in this section shall be deemed applicable whether the words defined are used in the singular or the plural.

"§40-21-100.

"(a) For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

"(1) BUSINESS. All activities relating to the furnishing of utility services.

"(2) DEPARTMENT. The Department of Revenue of the State of Alabama.

"(3) DOMESTIC WATER. All water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

"(4) GROSS RECEIPTS. The value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expense whatever, and without any deductions on account of losses.

"(5) GROSS SALES. The value proceeding or accruing from the furnishing of utility services, and including the proceeds from the sale of any utility services handled consignment by the taxpayer, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever and without any deductions on account of losses.

"(6) PERSON. An individual, firm, copartnership, association, trustee, receiver, corporation, or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America and operating in the State of Alabama, as well as every private or nonpublic entity.

"(7) PURCHASE. Utility services which are acquired, with or without consideration, whether such acquisition is effected by a transfer of title or of possession, or of both, or a license to use or consume, whether such transfer is absolute or conditional, and by whatsoever means the same shall have been effected.

"(8) RETAIL SALE. All sales except those defined herein as wholesale sales.

"(9) SALES PRICE. The total amount for which utility services shall have been sold, or, if not sold or sold for only a nominal amount, the fair market value thereof, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the utility services sold,

the cost of the materials used, labor or service cost, interest charged, losses, or any other expenses whatever; provided, that cash discounts allowed and taken shall not be included.

“(10) **STORAGE** Any keeping or retention in the State of Alabama of utility services for any purpose, except sale in the regular course of business or subsequent use solely outside the State of Alabama.

“(11) **TAXPAYER.** Any person liable for taxes under the provisions of this article.

“(12) **USE.** The exercise of any right or power over utility services or the disposition thereof incident to a proprietary or possessory interest therein, except that it shall not include the sale of utility services in the regular course of business.

“(13) **UTILITY.** Every person regularly engaged in furnishing utility services to another person in the State of Alabama.

“(14) **UTILITY GROSS RECEIPTS TAX.** The tax levied by article 3 of this chapter.

“(15) **UTILITY SERVICES.** Electricity, domestic water, natural gas, telegraph services, and telephone services; provided, however, that “utility services” shall not mean electricity, domestic water, natural gas, telephone services, or telegraph services stored, used, or consumed by a utility regularly engaged in furnishing the same such services to the public, other than by a municipality or other municipal entities organized by a municipality.

“(16) **WHOLESALE SALE.** A sale or exchange of utility services by a utility to any person or any other utility engaged in the resale of such utility services in the regular course of business.

“(17) **TELEPHONE SERVICES.** Local telephone service and intrastate toll telephone service, private communications service, teletypewriter, and computer exchange service. The term “telephone services” includes transmission by or through any media such as wires, cables, microwaves, light waves, or any combination of those or similar media. It includes, but is not limited to, telephone services sold by motels and hotels to their customers or to others, telephone services sold by colleges and universities to their students or to others, and telephone services sold by hospitals to their patients or to others. The term “telephone services” shall not include:

“(i) telephone services provided through any pay telephone;

“(ii) any excise, franchise, or similar tax or like fee or assessment levied by the United States, by the State of Alabama, or by any political subdivision, upon the purchase, sale, use, or consumption of any

telephone services, which tax, fee, or assessment is collected by the seller from the purchaser;

“(iii) the furnishing of any telephone services for resale, including access charges paid by an interexchange carrier, provided that any utility making a sale of telephone services for resale shall obtain a certificate from the purchaser of such services certifying that such services are purchased for the purpose of resale, the form of the certification to be determined by rules and regulations to be promulgated by the department;

“(iv) charges for customer premises equipment, including such equipment that is leased or rented by the customer from any source;

“(v) cable television service, paging services, specialized mobile radio, or cellular mobile service; or

“(vi) services which are ancillary to the provision of telephone service but are not directly related to the transmission of voice, data, or information such as directory advertising and installation and repair of equipment and inside wiring.

“The term “local telephone service” means the access to a local telephone system, and the privilege of telephonic-quality communication with substantially all persons having telephone stations constituting a part of such local telephone system.

“The term “toll telephone service” means (A) a telephonic-quality communication for which there is a toll charge which varies in amount according to the distance and elapsed transmission time of each individual communication, or (B) a service that entitles the subscriber or user, upon the payment of a periodic charge that is determined as a flat amount or upon some basis of total elapsed transmission time, or upon some combination thereof, to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the local telephone system area in which the station provided with this service is located. The term “toll telephone service” includes wide-area telephone service charges.

“The term “private communications service” means a communication service that entitles the subscriber or user to exclusive or priority use of a communication channel or group of channels, regardless of whether such channel or group of channels may be connected through switching with a service described in this subparagraph.

“The terms “teletypewriter” and “computer exchange service” mean the access from a teletypewriter, telephone, computer, or

other data station of which such station is a part, and the privilege of intercommunication by such station with substantially all persons having teletypewriter, telephone, computer, or other data stations constituting a part of the same teletypewriter or computer exchange system. The terms "teletypewriter" and "computer exchange service" do not include the storage of data or information for subsequent retrieval, the retrieval of data or information, or the processing, or reception and processing, of data or information intended to change its form or content, and the term "computer exchange service" does not include the Internet nor access thereto.

"The term "intrastate," as applied to telephone services, includes only those services originating and terminating wholly in this state.

"(b) "Herein," "hereby," "hereunder," "hereof" and other such words of reference shall refer to this article as a whole and not solely to the particular section or portion of this article in which any such word may be used.

"(c) The definitions set forth in this section shall be deemed applicable whether the words defined are used in the singular or the plural."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 2:39 P.M.

Act No. 98-655

H. 746 – Rep. Thomas (J)

AN ACT

Reopening the Employees' Retirement System to allow certain members of the system employed by employers participating in the system pursuant to Section 36-27-6, Code of Alabama 1975, to purchase credit in the system for the period of service for which they were once excluded from membership in the system; providing for payment of costs for credit for the service; and providing for a delayed effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Any active and contributing member of the Employees' Retirement System who is an employee of an employer participating in the system pursuant to Section 36-27-6, Code of Alabama 1975, and whose current position was once excluded by the employer from participating in the system, may receive credit in the system for the period of full-time service for which his or her position was excluded by the employer from participating in the system, provided the member claiming the credit has been continuously employed by the employer since January 1, 1987, and the member performs and complies with the conditions prescribed in Section 2 of this act.

Section 2. A member of the Employees' Retirement System eligible to purchase credit in the system under Section 1 of this act shall receive the credit after satisfying the following conditions:

(1) Within one year of the effective date of this act, the member shall contribute to the Employees' Retirement System for each year of credit claimed the full actuarially determined cost for each year of claimed service as determined by the system's actuary.

(2) The employer shall certify in writing to the Employees' Retirement System the dates of the period of full-time employment for which the member is claiming credit.

Section 3. This act shall become effective on October 1, 1998, upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 2:40 P.M.

Act No. 98-656

H. 704 – Rep. Allen

AN ACT

Relating to Tuscaloosa County; to authorize the establishment of the Tuscaloosa County Crimestoppers Reward Compensation Fund to provide for the continued funding of the reward payment program instituted by Tuscaloosa County Crimestoppers, Incorporated by increasing certain court costs.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply in Tuscaloosa County and shall be known and may be cited as the "Tuscaloosa County Crimestoppers Reward Compensation Fund Act."

Section 2. It is the purpose of this act to establish a fund which will enable Tuscaloosa County Crimestoppers, Incorporated, to continue to pay cash rewards to those persons whose anonymous tips

lead to the arrest of individuals committing crimes in Tuscaloosa County, Alabama. The payment of such rewards will be made pursuant to the current guidelines of the reward payment program of Tuscaloosa County Crimestoppers, Incorporated. The Tuscaloosa County Crimestoppers Reward Compensation Fund shall be administered by the Board of Directors of Tuscaloosa County Crimestoppers, Incorporated subject to the provisions of this act.

Section 3. The Tuscaloosa County Crimestoppers Reward Compensation Fund shall be funded by the following means:

(a) A five dollar (\$5) fee shall be imposed on all criminal felony cases in Tuscaloosa County. The fees collected from these cases shall be paid over to the Tuscaloosa County Crimestoppers Reward Compensation Fund at least as often as quarterly. Ninety percent of the monies received from the imposition of these fees shall be used exclusively for the payment of cash rewards or local publicity for the Tuscaloosa County Crimestoppers, Incorporated program. The remaining 10 percent of the monies received from the imposition of this fee may be used for administrative costs of the Tuscaloosa County Crimestoppers, Incorporated program.

(b) Pursuant to Section 17-110, Article 5 of the Tuscaloosa City Code, Section 54-63 of the Northport City Code, and Section 41-16-121, Code of Alabama 1975, the City of Tuscaloosa, the City of Northport, and Tuscaloosa County, respectively, are authorized to sell to the public any property recovered or confiscated by law enforcement. Ten percent of the net proceeds of such surplus property sales conducted in the City of Tuscaloosa, the City of Northport, or in Tuscaloosa County, shall be paid over to the Tuscaloosa County Crimestoppers Reward Compensation Fund to further assist in the funding of Crimestoppers reward payments.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1998

Time: 4:30 P.M.

Act No. 98-657

H. 775 – Reps. Warren and Jackson

AN ACT

To provide additional revenue in Conecuh County to be used exclusively for the purposes of (1) paying costs of constructing and equipping a new county jail in Conecuh County and of repairing and renovating the historic Conecuh County Courthouse, including without limitation the financing or refinancing of such costs, and (2) once such costs shall have been paid and any debt issued or incurred to pay such costs shall have been retired, paying costs of operation, upkeep and maintenance of such

renovated County Courthouse; authorizing Conecuh County to levy a county privilege or license tax paralleling the state privilege or license tax on businesses of renting rooms, lodging or accommodations to transients as provided for in Title 40, Chapter 26 of the Code of Alabama 1975, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such tax, and for the enforcement of the Act by Conecuh County or the collection agency from time to time designated for such purposes; and prescribing penalties and fixing punishment for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied in Conecuh County (hereinafter, the "County"), in addition to all other taxes now imposed by law, a privilege or license tax paralleling the state tax on the businesses of renting rooms, lodging or accommodations to transients as provided for in Title 40, Chapter 26 of the Code of Alabama 1975, as heretofore or hereafter amended or supplemented, hereinafter referred to as the state lodging tax, in the manner and at the rate hereinafter prescribed,

Upon every person, corporation, partnership, firm, limited liability company, association, proprietorship or other entity engaged in or continuing within the County the business of renting or furnishing any room or rooms, lodging or accommodations to transients in any hotel, motel, inn, bed and breakfast facility, tourist camp, tourist cabin, tourist court or any other place in which rooms, lodgings or accommodations are rented or furnished to transients for a consideration, a privilege or license tax is hereby levied in an amount to be determined by application of the rate of four percent (4%) of the charge for such room or rooms, lodging or accommodation, including any charge for use or rental of personal property and services furnished in such room. Provided, however, there is exempted from the tax levied under the provisions of this Act any rentals or services taxed under the provisions of the Alabama Sales Tax Act, provided for in Title 40, Chapter 23 of the Code of Alabama 1975, as heretofore or hereafter amended or supplemented. The tax shall not apply to rooms, lodgings or accommodations supplied for a period of thirty (30) continuous days or more in any place.

Section 2. The tax levied under the provisions of this Act shall be paid to and collected by the County or the collection agency from time to time designated in writing by the governing body of the County to serve in such capacity for and on behalf of the County (the County or any such collection agency, as applicable, being hereinafter, for these purposes, referred to as the "Agency").

Section 3. The tax levied under the provisions of this Act, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth (20th) day of the month next succeeding the month in which the tax accrues. On or before the twentieth (20th) day in each month after this Act has taken effect, every person,

corporation, partnership, firm, limited liability company, association, proprietorship or other entity on whom or which the taxes levied by this Act are imposed, shall render to the Agency, on a form prescribed by the Agency, a true and correct statement showing the gross proceeds of the business for the next preceding month, together with such other information as the Agency may require, and at the time of making such monthly report the taxpayer shall compute the taxes due and shall pay to the Agency the amount of taxes shown to be due. The Agency, for good cause, may extend the time for making any return required under the provisions of this Act, but the time for filing any such return shall not be extended for a period greater than thirty (30) days from the date such return is due to be made.

Section 4. Any person, corporation, partnership, firm, limited liability company, association, proprietorship or other entity taxable under this Act having a cash and credit business may report such cash business, and the taxpayer shall thereafter include in each monthly report all credit collections made during the preceding month and shall pay the taxes due thereon at the time of filing such report, but in no event shall the gross proceeds of such credit business be included in the measure of tax to be paid until collections of such credit business shall have been made.

Section 5. On or before thirty (30) days after the end of the tax year, each person, corporation, partnership, firm, limited liability company, association, proprietorship or other entity liable for the payment of a privilege tax as levied by this Act shall make a return showing the gross proceeds of business done and compute the amount of tax chargeable against him or it in accordance with the provisions of this Act and deduct the amount of monthly payments as hereinbefore provided, if any have been made, and transmit with this report a remittance in the form required by this Act covering the residue of the tax chargeable against him or it, to the Agency, and such report shall be verified by oath.

Section 6. It shall be the duty of every person, corporation, partnership, firm, limited liability company, association, proprietorship or other entity engaged in or continuing within the County any business taxed hereunder to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he or it is liable under the provisions of this Act. Such records shall be kept and preserved for a period of two (2) years and shall be open for examination at any time by the Agency, or any duly authorized representative thereof.

Section 7. The monthly reports herein required to be made are not required to be made on oath, but wherever in this Act any report is required to be sworn to, the same shall be sworn to by the

taxpayer or his agent before some officer authorized to administer oaths; and any false statement of a material fact or omission to state a material fact made with the intent to defraud shall constitute perjury, and upon conviction thereof the person so convicted shall be punishable as provided by law.

Section 8. All reports or returns filed with the Agency under this Act shall be available for inspection by the governing body of the County, or any duly designated representative, at reasonable times during business hours.

Section 9. It shall be unlawful for any person, corporation, partnership, firm, limited liability company, association, proprietorship or other entity engaged in or continuing within the County any business for which a license or privilege tax is required by this Act to fail or refuse to add to the price of the service rendered the amount due by the taxpayer on account of the tax levied by this Act. Nor shall any such person refund or offer to refund all or any part of the amount collected as tax under this Act or to absorb such tax or to advertise directly or indirectly the absorption or refund of such tax or any portion of the same.

Section 10. The tax levied by this Act, together with interest and penalties that may be imposed, shall constitute a debt due the County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. Said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of the person from whom said taxes are due or who is required to collect said taxes. All provisions of the revenue laws of this state which apply to the enforcement of liens for privilege or license taxes due the state shall apply fully to the collection of the County taxes levied hereby, and the Agency for the use and benefit of the County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that the state or the department of revenue of the state (hereinafter, the "department") has for collection of the state lodging tax. The Agency shall have full authority to employ such special counsel as it deems necessary, from time to time, to enforce collection of the taxes authorized to be levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving the Act; and the Agency shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the County.

Section 11. All provisions of the state lodging tax statutes with respect to payment, assessment and collection of the state lodging tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax, and compliance generally with the state lodging tax statutes, the rules and regulations promulgated with respect to the state lodging tax and the administration and

enforcement of the state lodging tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied by this Act, shall apply to the County tax levied hereby. The Agency shall have and exercise the same powers, duties and obligations with respect to the County tax levied hereby as are imposed on the commissioner of revenue of the state and the department, respectively, by the state lodging tax statutes. All provisions of the state lodging tax statutes that are made applicable by this Act to the County tax levied hereby and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 12. The custodian of the general funds of the County shall deposit the revenue derived from the tax levied herein in a special account separate and apart from other funds of the county and such funds shall be used exclusively for the purposes of (1) paying costs of constructing and equipping a new County jail in the County and of renovating and rehabilitating the historic Conecuh County Courthouse, including without limitation the financing or refinancing of such costs, and (2) once such costs shall have been paid and any debt issued or incurred to pay such costs shall have been retired, paying costs of operation, upkeep and maintenance of such renovated County Courthouse.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 14. The provisions of this Act are supplemental and shall be construed in pari materia with other laws regulating taxes; provided, however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 15. This act shall become effective on the first day of the month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 4:31 P.M.

Act No. 98-658

H. 882 – Rep. Hammett

AN ACT

Relating to Covington County; levying a lodging tax and providing for the distribution of the proceeds from the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. In Covington County, in addition to all other taxes imposed by law, there is levied a privilege or license tax in the

amount herein prescribed against every person within the county engaging in the business of renting or furnishing a room or rooms, lodging or accommodations, to a transient in a hotel, motel, inn, condominium, house, tourist court, or another place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The amount of the tax shall be equal to two percent of the charge for the rooms, lodgings, or accommodations, including the charge for use of rental of personal property and services furnished in the room or rooms.

Section 2. (a) Each of the following charges are exempted from the provisions of the tax levied by this act and from the computation of the amount of the tax levied or payable: Charges for property sold or services furnished which are required to be included in the tax levied by the state sales tax act; and charges for the rental of rooms, lodgings, or accommodations to a person for a period of 30 continuous days or more pursuant to the exemption provision of Alabama's Transient Occupancy Tax, Section 40-26-1 of the Code of Alabama 1975. A subsequent amendment or change to the Alabama Transient Occupancy Tax shall also have the effect of similarly changing the exemption provision of this act.

(b) Notwithstanding the provisions of this section, the tax shall not apply to the rental of living accommodations which are intended primarily for rental to persons as their principal or permanent place of residence, or to accommodations provided by any bed and breakfast establishment which are furnished to transients for a consideration. A bed and breakfast establishment, for purposes of this act, means an establishment recognized as such by the bylaws of the Bed and Breakfast Association of Alabama.

Section 3. (a) The tax levied by this act, except as otherwise provided, shall be due and payable to the Covington County Commission, or Department of Revenue, or other collection agent as may be designated by resolution of the county commission, on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month, every person on whom the tax is levied by this act shall render to the designated collection agent on a form prescribed by the agent, a true and correct statement showing the gross proceeds of the business subject to the tax for the then preceding month, together with other information as the designated collection agent requires. At the time of making the monthly report, the taxpayer shall compute and pay to the designated collection agent the amount of tax shown due. A person subject to the tax who conducts business on a credit basis may defer reporting and paying the tax until after the person has received payment of the items, articles, or accommodations furnished. In the event the taxpayer defers reporting and paying the taxes, he or she

shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing the report.

(b) It shall be the duty of every person engaged or continuing in a business subject to the tax levied by this act to keep and preserve suitable records of the gross proceeds of the business and other books or accounts necessary to determine the amount of tax for which he or she is liable pursuant to this act. The records shall be kept and preserved for a period of two years and shall be open for examination at all times by the designated collection agent or by a duly authorized agent, deputy, or employee of the agent.

(c) A person who fails to pay the tax levied by this act within the time required by this act shall pay in addition to the tax a penalty of 10 percent of the amount of tax due, together with interest from the date on which the tax became due and payable at the rate due and payable on the state lodging tax. The penalty and interest shall be assessed and collected as a part of the tax. The designated collection agent may, if good and sufficient reason be shown, waive or remit the penalty or a portion of the penalty.

Section 4. All provisions of the state lodging tax statutes with respect to payment, assessment, and collection of the state lodging tax, making of reports and keeping and preserving records, interest after due date of tax, or otherwise; the promulgation of rules and regulations with respect to the state lodging tax; and the administration and enforcement of the state lodging tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied by this act, shall apply to the levied tax. The designated collection agent shall have and exercise the same powers, duties, and obligations with respect to the district taxes levied as imposed on the designated collection agent, by the state lodging tax statutes. All provisions of the state lodging tax statutes that are made applicable to this act, to the taxes levied, and to the administration of this act are incorporated herein by reference and made a part as if fully set forth.

Section 5. Except as otherwise provided in this act, all proceeds from the tax levied by this act shall be deposited into the Covington County General Fund for cultural and recreational purposes, or for any other purpose deemed appropriate by the Covington County Commission.

Section 6. None of the provisions of this act shall be applied in a manner to violate the Commerce Clause of the United States Constitution. If a provision of this act is held invalid, the invalidity shall not affect the remaining provision of this act.

Section 7. The designated collection agent shall charge and deduct from the proceeds of the tax levied, an amount equal to the

cost to the agency of making the collections and the charge shall not exceed five percent of the total amount of tax collected. Following that deduction, the agent shall pay the remainder of the tax proceeds to the county general fund.

Section 8. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 4:32 P.M.

Act No. 98-659

H. 706 – Rep. Curry

AN ACT

Relating to Shelby County lodging tax; to increase the amount of the tax and to dedicate the proceeds to The Citizenship Trust/American Village in Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the lodging tax levied in Shelby County pursuant to Act 87-768, 1997 Regular Session, as amended, there is hereby levied and imposed an additional tax in the amount of two percent of the charge for any room, rooms, lodging, or accommodations, including the charge for use or rental of personal property and services furnished in such room or lodgings, to be imposed against any person, firm, or corporation furnishing the room or lodgings and to be collected pursuant to Section 1 of Act 87-768, as amended, and the state lodging taxes pursuant to Chapter 26, Title 40, Code of Alabama 1975.

Section 2. The net proceeds from the additional tax levied pursuant to Section 1 shall be dedicated and distributed to The Citizenship Trust/American Village, a public educational corporation of the State of Alabama, pursuant to Article 2, Chapter 44A, Title 16, Code of Alabama 1975, for the American Village constitution and citizenship education center in Shelby County. The Citizenship Trust/American Village shall provide an annual public accounting of the proceeds and uses of the proceeds, and shall file a copy with the Shelby County Commission. The public accounting shall also be available for public inspection. All students from any school in Shelby County shall be admitted without charge for the regular education programs of the center.

Section 3. This act shall become effective July 1, 1998, upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 4:35 P.M.

Act No. 98-660

S. 654 – Senators Davidson, and Steele

AN ACT

To amend Section 1 of Act 150 of the 1975 Regular Session of the Legislature, to provide further for compensation paid by the county to a circuit judge who retires from the Sixth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 150 of the 1975 Regular Session of the Legislature (Acts 1975, p. 397), is amended to read as follows:

“Any circuit judge who retires from the Sixth Judicial Circuit shall be entitled to receive as additional compensation payable from the treasury of the county comprising the Sixth Judicial Circuit a sum equal to 40 percent of the compensation paid to the judge by the State of Alabama. The salary or compensation provided herein shall be paid out of the general funds of the county in equal monthly installments on warrants properly drawn against the funds. The salary or compensation provided herein shall be the total supplemental salary or compensation to be paid to retired circuit judges out of the county treasury and the provisions of this act shall supersede and repeal the provisions of Act 1024, S. 461, 1973 Regular Session (Acts 1973, p. 1561), only insofar as it applies to the Sixth Judicial Circuit.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 4:36 P.M.

Act No. 98-661

H. 876 – Reps. Page and Galliher

AN ACT

Relating to Etowah County; amending Act 88-280 of the 1988 Regular Session (Acts 1988, p. 436), providing for the constable and making the expense allowance retroactive to 1988; and providing for the repeal of Act 88-787 of the 1988 First Special Session.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 88-280 of the 1988 Regular Session (Acts 1988, p. 436), is amended to read as follows:

Section 1. “Section 1. The constable of the District Court of Etowah County shall be paid an expense allowance of \$700 per month. The expense allowance shall be in addition to the expense allowance provided by Act No. 88-787, H. 302, 1988 First Special

Session until it is repealed. The payments made to the constable prior to the effective date of this act are confirmed and ratified. The expense allowance shall be paid from the county general fund."

Section 2. Section 1 of this act shall become effective retroactive to April 12, 1988.

Section 3. Act 88-787, H. 302, 1988 First Special Session, shall be repealed on the last day of the month following the effective date of this act

Section 4. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 4:36 P.M.

Act No. 98-662

H. 916 – Rep. Carns

AN ACT

Relating to Jefferson County; to authorize the county commission to grant and\or ratify an abatement of county sales and use taxes for purchases of personal property and services that are incorporated into an industrial development property or a major addition to an existing industrial development property for any and all private use industrial property that has been approved for abatement under the Tax Incentive Reform Act of 1992 prior to the date of passage of this act; and to provide that any such grant and\or ratification may be retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jefferson County Commission, by resolution or ordinance, may grant and\or ratify an abatement of all or part of county sales and use taxes on purchases of tangible personal property and uses of taxable services that are incorporated into an industrial development property in the county or a major addition to an existing industrial development property in the county for any and all private use industrial property that has been approved for abatement under the Tax Incentive Reform Act of 1992 prior to the date of passage of this act. Any such grant and\or ratification may be retroactively effective to the date on which the abatement under the Tax Incentive Reform Act of 1992 was approved pursuant to Section 40-9B-5 of the Code of Alabama (1975).

Section 2. The Jefferson County Commission shall have authority to provide Jefferson County sales tax abatements on the retail sale of construction materials, supplies and services to persons or their authorized agent or contractor who suffered property damage in Jefferson County in the tornado on April 8, 1998. Provided, however, to

be eligible for said abatement said person must first qualify for assistance from the Federal Emergency Management Agency.

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 4:37 P.M.

Act No. 98-663

H. 148 – Rep. Graham

AN ACT

To authorize governmental units to enter into guaranteed energy cost savings contracts; to provide for bid proposal procedures; and to establish standards and procedures for awarding of guaranteed energy cost savings contracts; and to reiterate present law requiring that education support personnel work under the direct supervision, employment, and control of local boards of education.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as the “Guaranteed Energy Cost Savings Act.”

Section 2. For purposes of this act, the following terms shall have the following meanings:

(1) **ENERGY COST SAVINGS MEASURE.** A training program or new facility or existing facility alteration designed to reduce energy consumption or operating costs, or water and other natural resources consumption, and may include one or more of the following:

a. Insulation and reduced air infiltration of the building structure including walls, ceilings, and roofs or systems within the building.

b. Storm windows or doors, caulking or weather-stripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption.

c. Automated or computerized energy control systems, including computer software and technical data licenses.

d. Heating, ventilating, or air conditioning system modifications or replacements.

e. Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made.

- f. Indoor air quality improvements.
- g. Energy recovery systems.
- h. Electric systems improvements.
- i. Life safety measures that provide long-term operating cost reductions.
- j. Building operation programs that reduce operating costs.
- k. Other energy-conservation-related improvements or equipment, including improvements or equipment related to renewable energy.
- l. Water and other natural resources conservation.

(2) **GOVERNMENTAL UNIT.** A state government agency, department, institution, college, university, technical school, legislative body, or other establishment or official of the executive, judicial, or legislative branches of the state authorized by law to enter into contracts, including all local political subdivisions such as counties, municipalities, or public school districts.

(3) **GUARANTEED ENERGY COST SAVINGS CONTRACT.** A contract for the implementation of one or more energy cost savings measures.

(4) **OPERATIONAL COST SAVINGS.** Expenses eliminated and future replacement expenditures avoided as a result of new equipment installed or services performed.

(5) **QUALIFIED PROVIDER.** A person or business experienced in the design, implementation, and installation of energy cost savings measures.

(6) **REQUEST FOR PROPOSALS.** A negotiated procurement that is announced through a public notice from a governmental unit which will administer the guaranteed energy cost savings contract requesting innovative solutions and proposals for energy conservation measures. The request for proposal shall include the following:

- a. The name and address of the governmental unit.
- b. The name, address, title, and phone number of a contact person.
- c. The date, time, and place where proposals must be received.
- d. The evaluation criteria for assessing the proposals.
- e. Any other stipulations and clarifications the governmental unit may require.

Section 3. (a) A governmental unit may enter into a guaranteed energy cost savings contract in order to reduce energy consumption or operating costs of government facilities in accordance with this act.

(b) All energy cost savings measures shall comply with current local, state, and federal construction and environmental codes and regulations. Notwithstanding anything to the contrary, a guaranteed energy cost savings contract does not include improvements or equipment that allow or cause water from any condensing, cooling, or industrial process or any system of nonpotable usage over which public water supply system officials do not have sanitary control, to be returned to the potable water supply.

Section 4. (a) Before entering into a guaranteed energy cost savings contract, a governmental unit shall submit a request for proposals. The governmental unit shall evaluate any proposal from a qualified provider and shall select the qualified provider that best meets the needs of the unit. After reviewing the proposals, the governmental unit may enter into a guaranteed energy cost savings contract with a qualified provider if it finds that the amount it would spend on the energy cost savings measures recommended in the proposal would not exceed the amount of energy or operational cost savings, or both, within a 10-year period from the date installation is complete, if the recommendations in the proposal are followed. The governmental unit shall analyze the following:

(1) The estimates of all costs of installation, modifications, or remodeling, including, without limitation, costs of a pre-installation energy audit or analysis, design, engineering, installation maintenance, repairs, debt service, and post-installation project monitoring, data collection, and reporting, as well as whether energy consumed or the operating costs, or both, will be reduced.

(2) The qualifications of the provider.

(b) The governmental unit shall provide public notice of the meeting at which it proposes to award a guaranteed energy cost savings contract, of the names of the parties to the proposed contract, and of the purpose of the contract. The public notice shall be made at least 10 days prior to the meeting.

(c) The guaranteed energy cost savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed the costs of the energy cost savings measures within 10 years. The qualified provider shall reimburse the governmental unit for any shortfall of guaranteed energy cost savings on an annual basis. The guaranteed energy cost savings contract may provide for payments over a period of time, not to exceed 10 years.

(d) Notwithstanding any law to the contrary, before entering into a guaranteed energy cost savings contract, the governmental unit may require the qualified provider to file with the governmental unit a payment and performance bond relating to the installation of energy cost

savings measures that is in an amount the governmental unit finds reasonable and necessary to protect its interests and that may also cover the value of the guaranteed savings on the contract and is conditioned on the faithful execution of the terms of the contract.

(e) A governmental unit, or several governmental units together, may enter into an installment payment contract or lease purchase agreement with a qualified provider for the purchase and installation of energy cost savings measures.

(f) Guaranteed energy cost savings contracts may extend beyond the fiscal year in which they become effective. The governmental unit may include in its annual budget and appropriations measures for each subsequent fiscal year any amounts payable under guaranteed energy savings contracts during that fiscal year.

(g) A governmental unit may use a combination of funds designated for operating, capital expenditures, or other specially designated funds for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements.

(h) State aid and other amounts appropriated for distribution to, or reimbursement to, a governmental unit may not be reduced as a result of energy cost savings realized from a guaranteed energy cost savings contract or a lease purchase agreement for the purchase and installation of energy cost savings measures.

Section 5. The provisions of this act shall not be construed to alter or circumvent present law which requires education support personnel to work under the direct supervision, employment, and/or control of local boards of education.

Section 6.

This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 6, 1998

Time: 4:38 P.M.

Act No. 98-664

S. 625 – Senator Clay

AN ACT

To amend Sections 41-9-950 and 41-9-959, Code of Alabama 1975, relating to the Tuskegee Airmen Commission, to alter the membership on the commission and to remove the requirement relating to the location of the memorial on land owned by Tuskegee University.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 41-9-950 and 41-9-959, Code of Alabama 1975, are amended to read as follows:

“§41-9-950.

“(a) The Tuskegee Airmen Commission is created to consist of 18 members. The members shall be appointed by the Governor, with at least three of the members being residents of Macon County as recommended by the legislative delegation and at least two of the original board members being Tuskegee Airmen.

“(1) Three members appointed by the Governor from a list of six nominees submitted by the Speaker of the House of Representatives with one member recommended by the member of the House of Representatives from the district in which the commission is located. The Governor shall make the appointments from the list within 10 days of the submission of the list or may ask for a new list of nominees.

“(2) Three members appointed by the Governor from a list of six nominees submitted by the Presiding Officer of the Senate with one member recommended by the member of the Senate from the district in which the commission is located. The Governor shall make the appointments from the list within 10 days of the submission of the list or may ask for a new list of nominees.

“(3) Three members appointed by the Board of Trustees of Tuskegee University.

“(4) Nine members appointed by the Governor.

“(b) The terms of the members of the first commission shall be four years for nine members and eight years for the remaining nine members. After the expiration of the terms of the initial members, all members shall be appointed for terms of eight years.

“(c) Any member of the commission may be removed by the Governor for cause, and vacancies in the commission shall be filled by the Governor by appointment of a competent and qualified person for the unexpired term.”

“§41-9-959.

“(a) The commission shall have the duty and authority to acquire membership and to select and improve a site for the museum, taking into consideration the following factors:

“(1) Accessibility.

“(2) Location of nearby roads and highways.

“(3) Scenic attractions.

“(4) Esthetic value.

“(5) Cost.

“(6) Cooperation with federal, state, county, municipal, and other governmental authorities.

“(7) Protection from the hazards of weather, fire, and any other factors which may affect the suitability of a site for the establishment of the museum.

“(b) The commission may accept public or private gifts, grants, and donations and may make and enter into contracts with other governmental departments, agencies and boards, whether federal, state, or municipal, and with private persons and corporations, and establish and provide for a proper charge for admission and otherwise renovate, maintain, and operate the museum as a permanent memorial and exhibit.

“(c) The commission shall have full, complete, and exclusive jurisdiction over the museum, the sites, and the related exhibits and shall have the power and authority to allocate funds from its treasury for the fulfillment and accomplishment of its duties and responsibilities in a manner as may be necessary and appropriate for the perfection of the purposes of this article, including the power to lease lands of the commission whenever the commission shall find any action to be in furtherance of the purposes for which the commission was organized, and the authority to pledge revenues from its income for long term leases, future revenues from admissions, and any other sources as may be necessary and desirable.

“(d) No lease may be entered into for longer than 25 years with an option to renew every five-year period thereafter.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 4:39 P.M.

Act No. 98-665

H. 1000 – Reps. McMillan and Penry
AN ACT

Relating to Baldwin County; to amend Sections 1 to 16, inclusive, and 18 to 20, inclusive, of Act 91-719, 1991 Regular Session (Acts 1991, p. 1389), as amended, providing for the establishment of a planning and zoning commission for the unincorporated areas of the county; to further provide for the operation of the commission; to provide for the election and term of the chair and the appointments, qualifications, and terms of the officers and members of the commission; to provide further for the meetings, records, jurisdiction, and transaction of the business of the commission; to provide for the adoption of the master plan in part or in whole

and the procedures for adoption and amendments to ordinances or regulations by the Baldwin County Planning and Zoning Commission and the jurisdiction of the county commission with respect to the ordinances and regulations, and the notice and advertising thereof, as well as the posting of notices for particular parcels; to provide for certain clarification relative to planning districts and the board of adjustment and uniform zoning fee, and the powers of the board of adjustment; and to delete provisions requiring the Baldwin County Commission to advertise amendments to the master plan and zoning ordinances and regulations for three successive weeks by repealing Section 17 of Act 91-719, as amended, relating to restrictions on amendments to the master plan, zoning ordinances, and regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 to 16, inclusive, and Sections 18 to 20, inclusive, Act 91-719, 1991 Regular Session (Acts 1991, p. 1389), as amended, are amended as follows:

“Section 1. Creation of the County Planning and Zoning Commission. There is created a planning and zoning commission for Baldwin County, Alabama, which commission shall be appointed as provided and shall have responsibilities and duties as stated in this act. The commission shall be known as the Baldwin County Planning and Zoning Commission hereinafter referred to as the “Planning Commission.” The Planning Commission shall adopt bylaws to administer the provisions of this act. The Planning Commission shall elect its chair and create and fill other offices as it may determine. The term of the chair shall be for one year, with eligibility for reelection. The Planning Commission shall hold at least one regular meeting each month and shall keep a record of its resolutions and actions, all of which shall be a public record. A majority of the members on the Planning Commission shall be required to constitute a quorum to transact the business of the Planning Commission.

“Section 2. Appointment of Members and Personnel of the Baldwin County Planning and Zoning Commission. Commencing on the effective date of this act, the Planning Commission shall be composed of nine members, each of whom shall be a qualified elector in and an actual resident of Baldwin County. A minimum of eight members of the Planning Commission shall be qualified electors from the unincorporated areas of Baldwin County. All members shall be appointed by the Baldwin County Commission, and shall serve at the pleasure of the Baldwin County Commission. Each member shall serve a term of four years. Upon the affirmative vote of a majority of the qualified electors in a district election held pursuant to Section 8 of this act, the membership of the Planning Commission shall be increased by appointment by the county commission of a qualified elector from that district for a term of three years. In the event of any vacancy on the Planning Commission, the vacancy shall be filled by appointment of the Baldwin County Commission. The Baldwin County Commission

may remove any member for cause upon written charges and after a public hearing. All members shall serve without compensation, and no member, except a county commissioner, shall hold a county office; however, reasonable and necessary expenses of the members of the Planning Commission shall be paid from the General Fund of Baldwin County.

“Section 3. Jurisdiction of the Planning Commission. The jurisdiction of the Planning Commission for planning and zoning by district pursuant to Section 8 of this act shall apply to all unincorporated areas of Baldwin County. The Planning Commission shall not have authority over removal of natural resources growing on, placed on or naturally existing on or under private lands or properties. In any district which has adopted a zoning ordinance, undeveloped land or land zoned or used for agricultural purposes or timber growing shall automatically be rezoned for single family use upon the request by the owner. Provided further, that any owner of record of real property upon the date of the adoption by the Baldwin County Commission of the zoning ordinance for the district in which the property is located shall automatically obtain a variance, if needed, for a single family dwelling notwithstanding the type of dwelling to be placed or constructed on the property. The Baldwin County Commission may enter into agreements with municipalities for planning purposes with the extraterritorial planning jurisdiction of the municipalities. The county commission may designate the Planning Commission to administer subdivision regulations adopted pursuant to the provisions of Sections 11-19-1 to 11-19-24, inclusive, and 11-24-1 to 11-24-7, inclusive, Code of Alabama 1975, and Act 1094 of the 1973 Regular Session (Acts 1973, p. 1860).

“Section 4. Preparation of Master Plan. In availing itself of the powers conferred by this act, the Baldwin County Commission shall appoint the Planning Commission to make and maintain in an up-to-date manner, a master plan for the physical development of the unincorporated areas of Baldwin County. The master plan with the accompanying maps, plats, charts and descriptive material shall show the Planning Commission's recommendations for the use and development of the unincorporated areas of Baldwin County. The Planning Commission shall make a preliminary report and hold a public hearing thereon. The master plan recommended thereunder shall be presented in a final report to the Baldwin County Commission. The Baldwin County Commission shall not hold a public hearing and take action until it has received the final report of the Planning Commission. After a public hearing by the Baldwin County Commission, the master plan may be approved or amended by the Baldwin County Commission, or remanded to the Planning Commission for further revision. The master plan shall not be effective until adopted by the Baldwin

County Commission. The Planning Commission may prepare and the Baldwin County Commission may adopt the master plan as a whole or in successive parts corresponding with planning districts as provided in Section 6 or with functional sections of the subject matter of the master plan.

“Section 5. Procedure for Adoption and Amendment of Ordinances and Regulations. The Baldwin County Commission may adopt ordinances and regulations as necessary to effect the provisions of this act. The ordinances or regulations shall be made in accordance with a master plan and designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The ordinances and regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with the view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the district. For the purpose of promoting the health, safety, morals, and general welfare of the community, the county commission may regulate and restrict the height, number of stories and size of buildings or structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residences, or other purposes.

“Prior to the adoption of a proposed ordinance or regulation, or amendment thereto, pursuant to this act, notice that an ordinance or regulation, or amendment thereto, will be considered shall be published for three consecutive weeks in the legal section of a newspaper of general circulation in the county. In addition, a notice shall be published at least five days prior to the date of the public hearing in the regular section of the newspaper which shall be in the form of at least one quarter page advertisement. The notice shall state that an ordinance or regulation, or amendment thereto, will be considered by the Baldwin County Commission pursuant to this act and that a copy of the proposed ordinance or regulation, or amendment thereto, is available for public inspection at the nearest county courthouse or the nearest county courthouse satellite office which locations shall be clearly published in the notice. The notice required to be published by this act shall also state the time and place and location where all persons may be heard in opposition to or in favor of the ordinance or regulation or amendment thereto. The regulation, ordinance, or amendment thereto, shall not become effective until adoption by the Baldwin

County Commission after a public hearing thereon, at which parties in interest and citizens shall have an opportunity to be heard. If a parcel of property may be rezoned by a proposed amendment, a conspicuously located sign advising the general public of the proposed amendment shall be posted on the property no less than three weeks prior to the date of the hearing.

"Section 6. Planning Districts and Authority. The Baldwin County Commission shall divide the unincorporated areas of Baldwin County into planning districts. Prior to submission of a written petition to hold an election pursuant to Section 8 of this act, the planning districts may be altered as necessary by the Baldwin County Commission to effect the provisions of this act. In establishing the boundaries of the planning districts, the Baldwin County Commission may consider, but not be limited to, the natural geography of the county, identifiable landmarks, both natural and man-made, current land use patterns, areas of historical significance, natural resources, convenience of holding elections within a planning district, administrative convenience, projected land use, population density, population growth, and common community interests.

"Section 7. Purposes and View. In preparation of the proposed master plan and planning and zoning ordinances and regulations, the Planning Commission shall make careful and comprehensive studies and surveys of the present conditions existing within unincorporated areas with due regard to existing agricultural uses, to land by virtue of its availability, proximity to water supplies, and other geographical features as particularly suited to agricultural uses, to neighboring municipalities, towns and villages, to growth of subdivisions, to the general population, to growth of the resort areas in the county, and make adequate provisions for traffic, recreational areas, and industries and other public requirements. The comprehensive plan, development and zoning ordinances, and regulations shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county which will in accordance with present and future needs best promote the health, environment, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, and shall promote safety from fire, flood, and other dangers and the healthful and convenient distribution of population, and the wise and efficient expenditure of public funds. The plan, regulations, and ordinances shall be public record but their purpose and effect shall be to aid the Baldwin County Commission in the performance of its duties hereunder, and assisting and cooperating with other federal, state, and local agencies so as to achieve coordinated, adjusted, and harmonious development. The Baldwin County Commission may contract or appoint planners, engineers, architects, or other consultants to assist the

Planning Commission in developing the master plan, ordinances, and regulations. The consultants shall be paid by the county commission for their service according to the terms and conditions of their contracts or appointments.

“Section 8. Procedure for Exercising Jurisdiction in Each Planning District. Neither the Baldwin County Commission nor the Baldwin County Planning and Zoning Commission shall exercise its planning and zoning powers and jurisdiction in any planning district established under this act until the majority of the qualified electors of the district voting in an election shall have voted their desire to come within the planning and zoning authority of the Baldwin County Commission. The election shall be held if 10 percent of the qualified electors in any district submit a written petition to the county commission expressing a desire to be subject to the planning and zoning jurisdiction of the Baldwin County Commission under the authority of this act. The County Commission and Judge of Probate of Baldwin County shall certify or reject the accuracy of the petition no later than 45 days after receiving the petition. Upon certification, the county commission shall then instruct the Judge of Probate of Baldwin County to provide for an election within that district no later than 90 days after certification. Notice of the election shall be published four times during the 30-day period immediately preceding the date of the election in a newspaper of general circulation in Baldwin County. The judge of probate shall conduct the election. All costs for the election shall be paid from the General Fund of Baldwin County. If a majority of the qualified electors vote in the negative in the election, then the planning district shall not be subject to the zoning and planning jurisdiction of the Baldwin County Commission, and the qualified electors of the district shall not be eligible to petition for another election until one year from the date of the last election. If a majority of the qualified electors in a district vote in the affirmative, then the district shall be subject to the zoning and planning jurisdiction of the Baldwin County Commission.

“Section 9. Appointment of Advisory Committees. In each planning district wherein the qualified electors vote to become subject to the planning and zoning authority of the Baldwin County Commission, as provided in Section 8 of this act, the Baldwin County Commission shall appoint an advisory committee from that planning district to work with and assist the planning commission in formulating and developing a master plan and zoning regulations for the planning district. Each advisory committee shall consist of five members who shall be qualified electors in and residents of the planning district. The members of each planning district advisory committee shall elect a chair. Upon adoption of the master plan and zoning regulations for the planning district by

the Baldwin County Commission pursuant to the terms of this act, the services of the planning district advisory committee shall terminate and the committee shall be abolished. In any planning district which is contiguous to one or more municipalities, a member of the municipal planning commission of each contiguous municipality shall serve in an ex officio capacity on the advisory committee.

“Section 10. Assessment of Uniform Zoning Fee. The county commission may levy upon the owner of any real property located within any planning district in which a majority of the qualified electors have voted in the affirmative in an election described in Section 8 of this act, a uniform zoning fee not in excess of ten dollars (\$10) per parcel of real property per year. Upon the levy the tax assessor of Baldwin County shall assess the uniform zoning fee on the real property subject to the uniform zoning fee within the planning district. The assessment shall be collected by the tax collector of Baldwin County on annual ad valorem tax bills and non-payment of the assessment shall constitute a lien on the assessed property. The uniform zoning fee shall not be assessed for more than two years. The tax collector of Baldwin County shall collect the fee and the proceeds therefrom shall be deposited in the General Fund of Baldwin County to be expended exclusively for the purpose of administering the master plan and zoning and planning ordinances and regulations promulgated under this act.

“Section 11. Boards of Adjustment. The Baldwin County Commission shall provide for the appointments of boards of adjustment and the regulations and ordinances, adopted pursuant to the authority of this act, shall provide that the boards of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances and regulations in harmony with their general purposes and interests and in accordance with general or specific rules therein contained. In each planning district wherein a majority of the qualified electors vote in the affirmative in the election described in Section 8, a planning district board of adjustment shall be appointed by the Baldwin County Commission. Each board of adjustment shall consist of five members who shall be qualified electors of that planning district. Each member shall be appointed for a term of three years, except that in the first instance one member shall be appointed for a term of three years, two for a term of two years, and two for a term of one year, and thereafter each member shall be appointed for a term of three years or until his or her successor is duly appointed. The members of each board of adjustment shall elect a chair. In addition to the five regular members provided for in this section, two supernumerary members shall be appointed to serve on each board of adjustment at the call of the chair only in the absence of regular members and while serving shall have

and exercise authority of regular members. The supernumerary members shall be appointed to serve for three-year terms and shall be eligible for reappointment. Members of each board of adjustment may be removed for cause by the Baldwin County Commission upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each board of adjustment for each district shall adopt bylaws in accordance with the provisions of any ordinance or regulation promulgated pursuant to this act. Meetings of each board of adjustment shall be held at the call of the chair of the board and at such other times as each board may determine, provided that no board of adjustment shall meet less than once every three months on a day to be determined by the board. The chair, or in his or her absence, the acting chair may administer oaths and compel the attendance of witnesses. All meetings of the boards of adjustment shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

“Section 12. Appeals to the Board of Adjustment. Appeals to the planning district board of adjustment may be taken by any person aggrieved or by any officer or department of Baldwin County affected by any decision of any administrative officer representing the county in an official capacity in the enforcement of this act or of any ordinance or regulation adopted pursuant to this act. The appeal shall be taken within 30 days of the decision by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the board of adjustment all papers constituting the record upon which the action was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. The proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for hearing the appeal, give public notice to the interested parties and decide the appeal within a reasonable time. Any party may appear in person, by agent, or by an attorney.

“Section 13. Powers of the Board of Adjustment. The board of adjustment shall have all of the following powers:

“(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning regulations adopted pursuant to this act.

“(2) To hear and decide special exceptions to the terms of the zoning regulations adopted pursuant to this act.

“(3) To authorize upon appeal in specific cases the variance from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations will result in unnecessary hardship and so that the spirit of the ordinance or regulations required shall be observed and substantial justice done. The foregoing provisions shall not authorize the board of adjustment to approve a use not permitted by the zoning regulations.

“In exercising its authority, the board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and make the order, requirement, decision, or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or decide in favor of the applicant on any matter upon which it is required to act or to approve a variance from the terms of the zoning regulations adopted pursuant to this act.

“Section 14. Appeals to Circuit Court from Final Decision of Board of Adjustment. Any party aggrieved by a final judgment or decision of a board of adjustment may, within 15 days thereafter, appeal therefrom to the Circuit Court of Baldwin County, Alabama, by filing with the circuit court and the board of adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of the appeal, the board of adjustment shall cause a transcript of the proceedings and the action to be certified to the court to which the appeal is taken, and the action of the court shall be tried de novo.

“Section 15. Permit and Application Fees. The Baldwin County Commission may levy permit and application fees deemed necessary to administer ordinances and zoning regulations promulgated hereunder. The fees shall cover the cost of administrative activities performed hereunder by the agencies of the county commission and the boards of adjustment. The county commission may adopt the administrative rules and procedures as it deems necessary to carry out the provisions of this act.

"Section 16. Remedies. If any building or structure is erected, constructed, altered, repaired, converted, or maintained, or if any land is used in violation of this act or any ordinance or regulation promulgated under the authority conferred by this act, the county attorney, or other appropriate administrative officer of Baldwin County shall institute any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of the land or to restrain, correct, or abate the violation, or to prevent the occupancy of any building or structure, or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by this act. In addition to the foregoing, the Baldwin County Commission may adopt ordinances or regulations providing for a penalty in the form of a fine for the violation of the provisions of any ordinance or regulation promulgated under this act. The fine shall not exceed one hundred fifty dollars (\$150) and cost of court for each offense. Each day the violation continues shall constitute a separate offense.

"Section 18. Housing. The Baldwin County Planning and Zoning Commission shall have no jurisdiction over the type of single family housing or dwelling to be placed or constructed on private property.

"Section 19. Conflict of Authority. The authority of the Baldwin County Commission under this act shall not conflict with present or future regulations or policies of the Alabama Department of Health. No provision of this act shall infringe upon the existing authority of the Baldwin County Planning Commission to regulate the development of subdivisions. No provision of this act shall affect any existing statute or regulation promulgated pursuant to any law creating historic or preservation districts within Baldwin County; however, historic or preservation districts are subject to the provisions of this act.

"Section 20. Zoning Ordinances and Regulations Not Retroactive. No zoning ordinance or regulation promulgated by the Baldwin County Commission under the authority of this act shall change any use to which land is being made at the time the zoning ordinance or regulation becomes applicable to any district."

Section 2. Section 17 of Act 91-719, 1991 Regular Session (Acts 1991, p. 1389), as amended, is specifically repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 4:40 P.M.

Act No. 98-666

H.J.R. 200 – Reps. Gipson and Rogers (M)

HOUSE JOINT RESOLUTION

URGING THE 1999 LEGISLATURE TO INCLUDE IN THE GENERAL APPROPRIATIONS BILL FOR FISCAL YEAR 2000 CERTAIN MATCHING FUNDS TO LOCAL GOVERNMENTS TO ASSIST IN INSURING TIMELY, ACCURATE AND COMPLETE DECENNIAL CENSUS DATA IS COLLECTED IN ALABAMA FOR THE YEAR 2000 DECENNIAL CENSUS.

WHEREAS, the United States Constitution designates decennial census data as the basis for reapportionment among the states of the membership of the United States House of Representatives and is used for redistricting of United States House of Representatives districts within the state, as well as for the redistricting of other election districts including state legislative districts, county commission districts, city council districts and school board districts for the constitutional purpose of equal representation; and

WHEREAS, decennial census data provides knowledge of the progress of the nation, the State of Alabama, its people, and its industries, which knowledge is essential to the executive and legislative branches of the governments of the United States and of the State of Alabama in the enactment and administration of laws; and

WHEREAS, decennial census data has been and is increasingly used by both the national government and the State of Alabama to not only identify the economic and social problems legislation is designed to alleviate but also to allocate federal funds to state and local governments and program beneficiaries, including federal funds for community development, education, employment and job training, and housing programs; and

WHEREAS, decennial census data is used as benchmarks in the preparation of postcensal estimates and projections which are used by and made by public and private sector organizations, including estimates and projections of average life expectancy at birth, household income, population growth and commuting patterns; and

WHEREAS, decennial census data has other direct and indirect public and private sector applications of importance to the legislature because of their impact on state and local government, the quality of life of the citizens of the state and the economic development of the state, such as use by school boards in determining where to build, expand or close schools; use by planning officials to make recommendations about zoning, housing, highways and public transit systems; use by banks to determine where to open new offices; use by corporations to study the demographic markets likely to purchase their goods and services; use by marketing researchers to make advertising and marketing decisions; and use by historians and geographers to study the historical location and immigration of ethnic groups,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That because so many aspects of public and private life of the citizens of Alabama are touched and shaped by decennial census information, that it is of paramount importance that the decennial census to be conducted in Alabama in the year 2000 be timely, accurate and complete, and, that therefore, the members of the 1999 Alabama Legislature are urged to include in the general appropriations bill for fiscal year 2000 matching funds to local governments to provide non-uniformed law enforcement officers to accompany decennial census takers in order to insure such timeliness, accuracy and completeness.

Approved May 6, 1998

Time: 4:41 P.M.

Act No. 98-667

H. 276 – Rep. Fuller

AN ACT

To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center in Selma, Alabama for the support and maintenance of the Learning House, Saturday University, Youth Leadership Development, Black Belt Arts and Cultural Center and Mothers of Many programs, for the fiscal year ending September 30, 1999; to make an appropriation of \$60,000 from the Education Trust Fund to the Twenty First Century Youth Leadership Training Project in Perry County, Alabama for the support and maintenance of a youth leadership development program, for the fiscal year ending September 30, 1999; to provide that the appropriations are subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center in Selma, Alabama for the support and maintenance of the Learning House, Saturday University, Youth Leadership Development, Black Belt Arts and Cultural Center and Mothers of Many programs for the fiscal year ending September 30, 1999.

Section 2. There is hereby appropriated the sum of \$60,000 from the Education Trust Fund to the Twenty First Century Youth Leadership Training Project in Perry County, Alabama for the support and maintenance of a youth leadership development program for the fiscal year ending September 30, 1999.

Section 3. The above appropriations are made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 4. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 5. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall

receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 6. This act shall become effective October 1, 1998.

Approved May 6, 1998

Time: 4:42 P.M.

Act No. 98-668

H. 465 – Reps. Guin, Morrison,
Knight (A) and
Murphree

AN ACT

Prohibiting the promulgation of state regulations intended to reduce emissions of greenhouse gases prior to ratification of the Kyoto climate change protocol by the United States Senate and enactment of implementing legislation by the United States Congress.

Be It Enacted by the Legislature of Alabama:

Section 1. This act may be referred to as the Kyoto Protocol Response Act.

Section 2. The Legislature of Alabama hereby finds as follows:

(1) The United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (FCCC).

(2) The Kyoto Protocol to expand the scope of the FCCC was negotiated in December 1997, in Kyoto, Japan, requiring the United States to reduce emissions of greenhouse gases such as carbon dioxide and methane by seven percent from 1990 emission levels during the period 2008 to 2012, with similar reduction obligations for other major industrial nations.

(3) Developing nations, including China, India, Mexico, Indonesia, and Brazil are exempt from greenhouse gas emission limitation requirements in the FCCC.

(4) Developing nations refused in the Kyoto negotiations to accept any new commitments for greenhouse gas emission limitations through the Kyoto Protocol or other agreements.

(5) With respect to new commitments under the FCCC, President Clinton pledged on October 22, 1997, that the United States would not assume binding obligations unless key developing nations meaningfully participate in this effort.

(6) On July 25, 1997, the United States Senate adopted Senate Resolution No. 98 by a vote of 95-0, expressing the Sense of the Senate that, *inter alia*, the United States should not be a signatory to any protocol or other agreement regarding the Framework Convention on Climate Change that would require the advice and consent of the Senate to ratification, and would mandate new commitments to mitigate greenhouse gas emissions for the Developed Country Parties, unless the protocol or other agreement also mandates specific scheduled commitments within the same compliance period to mitigate greenhouse gas emissions for Developing Country Parties.

(7) The Kyoto Protocol fails to meet the tests established for acceptance of new climate change commitments by President Clinton and by U.S. Senate Resolution No. 98.

(8) Achieving the emission reductions proposed by the Kyoto Protocol would require more than a 35 percent reduction in projected United States carbon dioxide and other greenhouse gas emissions during the period 2008 to 2012.

(9) Developing countries exempt from emission limitations under the Kyoto Protocol are expected to increase their rates of fossil fuel use over the next two decades, and to surpass the United States and other industrialized countries in total emissions of greenhouse gases.

(10) Increased emissions of greenhouse gases by developing countries would offset any potential environmental benefits associated with emissions reductions achieved by the United States and by other industrial nations.

(11) Economic impact studies by the U.S. Government estimate that legally binding requirements for the reduction of U.S. greenhouse gases to 1990 emission levels would result in the loss of more than 900,000 jobs in the United States, sharply increased energy prices, reduced family incomes and wages, and severe losses of output in energy-intensive industries such as aluminum, steel, rubber, chemicals, and utilities.

(12) The failure to provide for commitments by developing countries in the Kyoto Protocol creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from the United States to developing countries.

(13) Federal implementation of the Kyoto Protocol, if ratified by the United States Senate, would entail new federal legislation whose form and requirements cannot be predicted at this time, but could include national energy taxes or emission control allocation

and trading schemes that would preempt state-specific programs intended to reduce emissions of greenhouse gases.

(14) Piecemeal or other uncoordinated state regulatory initiatives intended to reduce emissions of greenhouse gases may be inconsistent with subsequent congressional determinations concerning the Kyoto Protocol, and with related federal legislation implementing the Kyoto Protocol.

(15) Individual state responses to the Kyoto Protocol, including development of new regulatory programs intended to reduce greenhouse gas emissions, are premature prior to Senate ratification of that protocol, in its current or amended form, and congressional enactment of related implementing legislation.

Section 3. (a) Effective immediately, the Director of the Alabama Department of Environmental Management shall refrain from proposing or promulgating any new regulations intended in whole or in part to reduce emissions of greenhouse gases, as such gases are defined by the Kyoto Protocol, from the residential, commercial, industrial, electric utility, or transportation sectors unless such reductions are required under existing statutes.

(b) In the absence of a resolution or other act of the Legislature of the State of Alabama approving same, the Director of the Alabama Department of Environmental Management shall not submit to the U.S. Environmental Protection Agency or to any other agency of the federal government any legally enforceable commitments related to the reduction of greenhouse gases, as such gases are defined by the Kyoto Protocol unless such reductions are required under existing statutes.

Section 4. Nothing in this act shall be construed to limit or to impede state or private participation in any ongoing voluntary initiatives to reduce emissions of greenhouse gases, including, but not limited to, the U.S. Environmental Protection Agency's Green Lights program, the U.S. Department of Energy's Climate Challenge program, and similar state and federal initiatives relying on voluntary participation.

Section 5. This act shall remain in effect until repealed by an act of the Legislature of Alabama, or until ratification of the Kyoto Protocol by the United States Senate and enactment of federal legislation implementing the Kyoto Protocol.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved May 6, 1998

Time: 4:43 P.M.

Act No. 98-669

H. 267 – Rep. Kennedy

AN ACT

To make an appropriation of \$1,620,000 from the Education Trust Fund to the Gulf Coast Exploreum Museum of Science in Mobile, Alabama for the support and maintenance of a hands-on health and science museum program for children and adults, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$1,620,000 from the Education Trust Fund to the Gulf Coast Exploreum Museum of Science in Mobile, Alabama for the support and maintenance of a hands-on health and science museum program for children and adults, for the fiscal year ending September 30, 1999.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and

costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 6, 1998

Time: 4:44 P.M.

Act No. 98-670

H. 343 – Rep. Curry

AN ACT

To make an appropriation of \$3,478,444 from the Education Trust Fund to the Special Mental Health and Mental Retardation Program in Alabama for programs and services provided by associations for retarded citizens, mental health centers, and other mental health providers, for the fiscal year ending September 30, 1999; to provide that the appropriation is subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$3,478,444 from the Education Trust Fund to the Special Mental Health and Mental Retardation Program in Alabama for programs and services provided by associations for retarded citizens, mental health centers, and other mental health providers, for the fiscal year ending September 30, 1999. The above appropriation shall be allocated as follows:

(a)	ARC of Jefferson County	241,862
(b)	ARC of Lawrence County-Bill Stewart Center	26,150
(c)	Baldwin County ARC	31,380
(d)	Cherokee County Education Center for Retarded Citizens	18,305
(e)	Bertie Thornton Center/Limestone County, ARC	48,116
(f)	Blount County ARC	46,610

(g)	ARC of Calhoun/Cleburne County	88,910
(h)	Clarke County ARC	31,380
(i)	DeKalb County Association for Retarded Citizens	67,990
(j)	East Elmore County ARC	31,380
(k)	Etowah County/Gadsden ARC	31,380
(l)	Fayette County/Lamar County ARC	31,380
(m)	Jackson County ARC Achievement Center	62,760
(n)	Marion Bankhead Grant Center- ARC of Walker County	74,266
(o)	Marshall County ARC	41,380
(p)	Mobile ARC	101,462
(q)	Morgan County ARC	41,840
(r)	North Talladega County Association for Retarded Citizens, Inc.	38,860
(s)	ARC of Shelby County	31,380
(t)	South Talladega County Association for Retarded Citizens, Inc.	38,860
(u)	St. Clair County ARC	36,610
(v)	Winston County/Marion County ARC	52,300
(w)	Adam Bishop Center-Jasper-Walker County	31,642
(x)	Alan Cott School-Jefferson County	83,945
(y)	Butler Activity and Training Center for the Mentally Retarded in Greenville-Butler County	47,070
(z)	Smeltzer Educational Center of Gadsden- Etowah County	30,073
(aa)	Cullman County Center for the Developmentally Disabled	167,360
(bb)	Dallas County Day Care and Training Center-Cahaba Center for Mental Retardation	45,214
(cc)	Duke School for Adult Mentally Retarded- Calhoun County	36,610
(dd)	Hope Haven School-Colbert County	48,326
(ee)	Louise Smith Development Center- Autauga County	62,760

(ff)	Madison County Opportunities Center	120,000
(gg)	McGraw Activity Center-Tuscaloosa County	177,820
(hh)	McKinney Learning Center-Talladega County	31,760
(ii)	Merle Wallace Purvis Center-Geneva County	96,250
(jj)	Randolph County Learning Center	33,180
(kk)	Sara Dinsmore ARC Training Facility-Franklin County	31,380
(ll)	Valley Haven School-Chambers County	283,750
(mm)	Vaughn-Blumberg Center for the Developmentally Disabled-Houston County	72,490
(nn)	Vivian B. Adams School-Dale County	279,904
(oo)	EXCEL, Inc.-Etowah County	65,375
(pp)	Hope Project, formerly the Madison Park Hope Center-Montgomery County	70,545
(qq)	Lee Scan of Lee County	22,384
(rr)	McInnis School-Montgomery County	426,045

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above programs. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3. (a) Prior to the release of any funds appropriated under this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1998-99, including goals and measurable performance indicators, shall be submitted to and approved by the director of finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1996-97.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1998-99 shall be released by the director of finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to planned expenditures and accomplishments. An end of year performance report for the fiscal year 1998-99 shall be made to the director of finance

stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The director of finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective October 1, 1998.

Approved May 6, 1998

Time: 4:45 P.M.

Act No. 98-671

S. 566 – Senator Hale

AN ACT

To amend Sections 32-6-18 and 32-6-19 of the Code of Alabama 1975, to provide that proceeds from fines, penalties, or forfeitures for certain driver's license violations would be distributed to the State Comptroller who would be responsible for distributing the funds; to delete certain criminal penalties for judges for failing to report the disposition of each case; to provide for the distribution of the additional penalty; and to make an appropriation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-18, as amended by Act 97-494 of the 1997 Regular Session, and Section 32-6-19 of the Code of Alabama 1975, are amended to read as follows:

“§32-6-18.

“(a) Any person of whom a driver's license is required, who drives a motor vehicle on a public highway in this state without first having complied with this article or the rules and regulations promulgated hereunder shall be guilty of a misdemeanor, and, upon conviction shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), to be fixed in the discretion of the judge trying the case. In addition to all fines, fees, costs, and punishments prescribed by law, there shall be imposed or assessed an additional penalty of fifty dollars (\$50) . This additional penalty of fifty dollars (\$50) imposed pursuant to this subsection shall be assessed in all criminal and quasi-criminal proceedings in municipal, district, and circuit courts, including, but not limited to, final bond forfeitures, municipal ordinance violations, wherein the defendant is adjudged guilty or pleads guilty and in all juvenile delinquency and youthful offender adjudications.

“(b) Any person who willfully makes a false statement under oath in an application for a driver’s license or for a renewal thereof shall be guilty of perjury and shall be punished as now provided by law.

“(c) Any person who willfully conceals or withholds a material fact in an application for a driver’s license or renewal thereof with intent to obtain the license by fraud shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100), and may be imprisoned at hard labor for the county not to exceed 12 months, to be fixed in the discretion of the court trying the case.

“(d) Any person who violates this article for which no fixed punishment is prescribed or who violates any rule or regulation promulgated as herein authorized shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100).

“(e) All fines, penalties, or forfeitures imposed pursuant to this article for violations of state law or for juvenile and youthful offender adjudications in district and circuit court shall be forwarded immediately upon collection by the officer of the court who collects the proceeds to the State Comptroller . All moneys received by the State Comptroller shall be deposited into the State Treasury to the credit of the General Fund except the fifty dollar (\$50) penalty which shall be distributed as follows:

“(1) Twenty-five dollars (\$25) shall be placed in the Traffic Safety Trust Fund .

“(2) Twenty-five dollars (\$25) shall be placed in the Peace Officers Standards and Training Commission Fund.

“(f) (1) All fines, penalties, or forfeitures imposed in municipal ordinance cases shall be distributed to the general fund of the respective municipality. All fines, penalties, or forfeitures for municipal ordinance cases tried originally in district and circuit court shall be distributed pursuant to Section 12-19-154.

“(2) The additional fifty dollar (\$50) penalty shall be forwarded immediately to the State Comptroller to be deposited as follows:

“a. Twenty-five dollars (\$25) shall be deposited in the Traffic Safety Trust Fund.

“b. Twenty-five dollars (\$25) shall be deposited in the Peace Officers Standards and Training Commission Fund.

“(g) If the fifty dollar (\$50) penalty required by subsection (a) is not imposed by the court, the clerk of the court shall automatically assess it upon conviction.”

“§32-6-19.

“(a) Any person whose driver’s or chauffeur’s license issued in this or another state or whose driving privilege as a nonresident has been cancelled, suspended, or revoked as provided in this article and who drives any motor vehicle upon the highways of this state while his or her license or privilege is cancelled, suspended, or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and in addition thereto may be imprisoned for not more than 180 days. In addition to all fines, fees, costs, and punishments prescribed by law, there shall be imposed or assessed an additional penalty of fifty dollars (\$50) to be placed in the Traffic Safety Trust Fund and the Peace Officers Standards and Training Fund. Also, at the discretion of the Director of Public Safety, the person’s license may be revoked for an additional revocation period of six months.

“(b) The additional penalty of fifty dollars (\$50) shall be assessed in all criminal and quasi-criminal proceedings in municipal, district, and circuit courts, including, but not limited to, final bond forfeitures, municipal ordinance violations, wherein the defendant is adjudged guilty or pleads guilty and in all juvenile delinquency and youthful offender adjudications.

“(c) If the fifty dollar (\$50) penalty required by subsection (a) is not imposed by the court, the clerk of the court shall automatically assess it upon conviction.”

Section 2. The sum of five hundred thousand dollars (\$500,000) is appropriated from the Peace Officers Standards and Training Commission Fund for the fiscal year ending September 30, 1999, to the Peace Officers Standards and Training Commission. This appropriation shall be in addition to any and all other monies heretofore or hereafter appropriated to the Peace Officers Standards and Training Commission Fund.

Section 3. This act shall become effective immediately after its passage and approval by the Governor, its otherwise becoming law, and shall apply to all offenses occurring on or after the effective date.

Approved May 6, 1998

Time: 4:46 P.M.

Act No. 98-672

S. 423 – Senator Sanders

AN ACT

To provide for registered school nurses in the public schools, and to require an appropriation for the fiscal years and ratios indicated.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Board of Education shall require the employment of registered nurses in each local school system, contingent on funding in the Education Trust Fund annual budget act, for each of the following fiscal years and ratios and major fractions thereof:

(1) 1999-2000 – A minimum of one nurse for every school system.

(2) 2000 - 2001 – A minimum of one nurse for every 7,000 pupils.

(3) 2001-2002 – A minimum of one nurse for every 6,500 pupils.

(4) 2002-2003 – A minimum of one nurse for every 6,000 pupils.

(5) 2003-2004 – A minimum of one nurse for every 5,500 pupils.

(6) 2004-2005 – A minimum of one nurse for every 5,000 pupils.

(7) 2005-2006 – A minimum of one nurse for every 4,500 pupils.

(8) 2006-2007 – A minimum of one nurse for every 4,000 pupils.

(9) 2007-2008 – A minimum of one nurse for every 3,500 pupils.

(10) 2008-2009 – A minimum of one nurse for every 3,000 pupils.

(11) 2009-2010 – A minimum of one nurse for every 2,500 pupils.

(12) 2010-2011 – A minimum of one nurse for every 2,000 pupils.

Thereafter, a minimum one registered nurse shall be employed for each 2,000 pupils and major fraction thereof. Determining the number of pupils for the purpose of allotting school nurses shall be based on pupils in Average Daily Membership during the first two scholastic months of the preceding scholastic year. Nurses employed exclusively from Federal funds shall not be considered in the ratios as required by this act. Nurses employed with local funds are to be included in the ratios as required by this act. The State Board of Education shall employ a School Nurse Consultant, who shall be a registered nurse, to provide supervision of programs statewide and implement school nursing programs as established by the State

Board of Education. There shall be a minimum statewide salary schedule for school nurses which shall be included in the annual budget act for the public schools. The amounts necessary to meet the requirements of this act shall be appropriated in the annual budget act for the public schools.

Section 2. This act shall become effective October 1, 1998, upon passage and approval by the Governor or upon its otherwise becoming a law.

Section 3. Repealer. This act is cumulative and shall be construed in *pari materia* with other laws, but to the effect that this act specifically conflicts with other laws in direct conflict with this act, then those laws or parts of laws are hereby repealed.

Section 4. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, the declaration shall not affect the part which remains.

Approved May 6, 1998

Time: 4:47 P.M.

Act No. 98-673

S.J.R. 146 – Senator Dial

SENATE JOINT RESOLUTION

EXPRESSING THE LEGISLATIVE INTENT OF ACT 98-232, HB 314, 1998 REGULAR SESSION.

WHEREAS, HB 314 of the 1998 Regular Session, which relates to a severance and transport fee on earthen materials in Cleburne County, was enacted as Act 98-242.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express that it was and is the legislative intent regarding Act 98-242, HB 314, that the following guidelines apply regarding the \$0.25 severance and transport fee on materials severed in Cleburne County:

(1) The fee applies to material severed and transported on county roads in the county.

(2) The fee shall be \$0.25 for each ton of earthen material severed and \$0.25 per mile per truckload transported on county roads.

(3) Material that is not severed in the county may be transported within the county without being subject to any fee.

(4) Material that is severed in the county, but not transported on county roads would not be subject to any fee.

(5) Once severed material that is transported on county roads leaves the county, the fee ends, even if the material is later transported on county roads in the county on county roads.

RESOLVED FURTHER, That a copy of this resolution be provided to the Department of Revenue for their consideration as to the intent of the legislation.

Approved May 6, 1998

Time: 4:48 P.M.

Act No. 98-674

H.J.R. 452 – Rep. Venable

HOUSE JOINT RESOLUTION

ESTABLISHING THE DATE THAT CONSTITUTIONAL AMENDMENTS ENACTED DURING THE 1998 REGULAR SESSION OF THE LEGISLATURE SHALL BE VOTED UPON.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, notwithstanding any other provision to the contrary, all amendments to the Constitution of Alabama of 1901, excluding Act 98-127, S.B. 283, 1998 Regular Session, relating to the Jefferson County Progress Authority, which are enacted during the 1998 Regular Session of the Legislature, shall be voted upon on November 3, 1998, the date of the General Election.

Approved May 7, 1998

Time: 9:30 A.M.

Act No. 98-675

S. 473 – Senator Escott-Russell

AN ACT

To require licensing and permitting of certain persons who provide interpreting and transliterating services; to create the Alabama Licensure Board for Interpreters and Transliterators and provide for its duties; to provide for exemptions from licensure and permitting; to establish and monitor standards of professional practice; to regulate practice of interpreting and transliterating; and to provide penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) This act shall be known as the “Alabama Licensure for Interpreters and Transliterators Act.”

(b) This act shall be liberally construed and implemented to promote the purposes and policies set forth herein.

Section 2. The Legislature declares that it is in the best interest of the public health, safety, and welfare to regulate the practice of interpreting and transliterating on behalf of consumers who are hard of hearing, deaf, or speech disabled by licensing and permitting the providers of interpreting and transliterating services, and establishing and monitoring interpreting and transliterating standards in the State of Alabama.

Section 3. For purposes of this act, the following terms shall have the following meanings:

(1) **BOARD.** The Alabama Licensure Board for Interpreters and Transliterators, created pursuant to Section 4.

(2) **CODE OF ETHICS.** The tenets established by the Registry of the Interpreters for the Deaf which set guidelines governing professional conduct for interpreters and transliterators, and any other code of ethics approved by the board.

(3) **CONSUMER.** A hard of hearing, deaf, or speech disabled person or any other person or an agency that requires the services of an interpreter or transliterator to effectively communicate and comprehend signed or spoken discourse.

(4) **CONTINUING EDUCATION PROGRAM or CEP.** A program approved by the board to improve the skill level of licensees and permit holders.

(5) **FUND.** The Alabama Licensure Board for Interpreters and Transliterators Fund, created pursuant to Section 9.

(6) **INTERMEDIARY INTERPRETER.** A person who is credentialed as an interpreter and who serves in an intermediary capacity between another deaf person and another licensed or permitted interpreter or between two or more deaf persons.

(7) **INTERPRETER.** A person who is credentialed as a professional interpreter and who engages in the practice of interpreting among consumers. Fluency in all languages interpreted is required.

(8) **INTERPRETING or TRANSLITERATING.** The process of providing accessible communication between and among consumers who do not share a common means of communication. For the purposes of this act, interpreting means those processes known as interpretation and transliteration and includes communication modalities, including, but not limited to, visual, gestural, and tactile channels.

(9) **NATIONALLY RECOGNIZED CERTIFICATION.** A certification awarded to individuals who successfully complete an evaluation

of interpreting skills at a professional level. The term includes a Registry of Interpreters for the Deaf certification, or an equivalent such as the National Association for the Deaf/Alabama Association for the Deaf Interpreter Assessment Program Level 4 or Level 5, or Cued Speech Certification at a national level.

(10) **ORGANIZATIONS.** The Alabama Association of the Deaf (AAD), a state chapter of the National Association of the Deaf (NAD); Alabama Registry of Interpreters for the Deaf (ALRID), an affiliate state chapter of the Registry of Interpreters for the Deaf, Inc., (RID).

(11) **SIGN LANGUAGE.** Includes all of the following communication systems:

a. **American Sign Language (ASL) Based.** The language of the deaf community that is linguistically independent from English. The term refers to the visual gestural language used in the United States and parts of Canada and includes all regional variations.

b. **English Based Sign Systems.** Includes, but is not limited to, all visual representations of the English language such as manually coded English, Pidgin Sign English, and Oral Interpreting.

c. **Sign Language.** A generic term used to describe a continuum of visual-manual language and communication systems.

d. **Cued Speech.** A system of handshapes which represents groups of consonant sounds, combined with hand placements which represent groups of vowel sounds, used with natural speech to represent a visual model of spoken language.

(12) **TRANSLITERATOR.** A person who is credentialed as a professional transliterator and who engages in the practice of transliteration between consumers utilizing two different modes of the same language. Fluency in both modes of language is required.

Section 4. (a) There is created the Alabama Licensure Board for Interpreters and Transliterators.

(b) The board shall consist of nine members appointed by the Governor as follows:

(1) Four members certified as interpreters or transliterators at a professional level by a nationally recognized certification, one of whom shall work in an educational setting. A list of three nominations for each of these positions shall be submitted to the Governor by ALRID.

(2) Three deaf or hard of hearing members who are knowledgeable in the field of professional interpreting. A list of three

nominations for each of these positions shall be submitted to the Governor by AAD.

(3) Two members at-large who have an interest in and are experienced in dealing with issues that affect the deaf, hard of hearing, and interpreting communities.

(c) All members of the board shall be citizens of the United States and the State of Alabama.

(d) A list of three nominees for each position except for the at-large positions shall be submitted to the Governor by the designated organizations by October 1 of the year in which this act becomes effective. The initial terms shall begin January 1 of the following year. All appointees to the board shall be citizens of the United States and residents of the state.

(e) The initial members of the board shall serve the following terms as designated by the Governor:

- (1) Four of the initial members shall serve for two years.
- (2) Three of the initial members shall serve for three years.
- (3) Two of the initial members shall serve for four years.

(f) Subsequent terms of office shall be four years. No board member may serve more than two consecutive terms. In the event of a vacancy, the Governor shall fill the vacancy from the remaining names on the list of nominees for that position. Each board member shall serve until his or her successor is duly appointed and qualified.

(g) At its first meeting each year, the board will elect a chair, a vice chair, and a secretary. No member shall be elected to serve more than two consecutive years in the same office.

(h) After the initial appointments to the board are made, the board shall meet by January 31 of the following year for the purpose of organizing and transacting business as may properly come before it. Subsequently, the board shall meet not less than twice annually, and as frequently as it deems necessary, at such time and places as it designates. A quorum necessary to transact business shall consist of six of the members of the board.

(i) The board shall have all of the following duties:

(1) Act on matters concerning licensure and permitting, and the process of granting, suspending, reinstating, and revoking a license or permit.

(2) Set a fee schedule for granting licenses and permits and renewals of licenses and permits. The fees shall be sufficient to cover the cost of the continued operation and administration of the board.

(3) Develop a mechanism for processing applications for licenses, permits, and renewals.

(4) Establish a procedure to enable the investigation of complaints concerning the violation of ethical practices for licensed or permitted interpreters.

(5) Maintain a current register of licensed interpreters and a current register of permitted interpreters. These registers shall be matters of public record.

(6) Maintain a complete record of all board proceedings.

(7) Submit an annual report detailing the proceedings of the board to the Governor and file a copy with the Secretary of State.

(8) Adopt continuing education requirements no later than October 1 of the year in which the initial board is appointed. These requirements shall be implemented by January 1 of the year following for renewal of a license or permit.

(j) Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2 of Chapter 7 of Title 36, Code of Alabama 1975, and incidental and clerical expenses necessarily incurred in carrying out this act. The compensation and expenses shall be paid out of the funds of the board. Reimbursement shall not be made if available funds are insufficient for this purpose.

Section 5. (a) After March 15, 1998, any person who provides interpreting or transliterating services for remuneration shall be required annually to be licensed or permitted by the board unless that person is exempt from licensure or permitting pursuant to Section 7.

(b) The initial license shall be issued upon submission of an application, an affidavit documenting current validation of a nationally recognized certification as approved by the board, and payment of the required nonrefundable annual fee by March 15. Licenses shall be renewed annually, no later than March 15, upon submission of an application and an affidavit documenting current nationally recognized certification at a professional level as approved by the board, payment of the required nonrefundable annual fee, and participation in a continuing education program approved by the board.

(c) All applicants for licensure who are initially certified after January 1, 1995, shall submit an affidavit documenting that the applicant has passed an interpreter code of ethics exam approved by the board.

Section 6. (a) Any person who practices as an interpreter or transliterator for remuneration on the effective date of this act, but who does not otherwise meet the requirements for licensure, may

obtain a renewable permit to practice interpretation or transliteration. An initial permit shall be issued upon submission of the application, documentation of a high school diploma or GED, current employment as an interpreter, and payment of the nonrefundable annual fee. Any person who does not obtain an initial permit by March 15 of the year following the effective date of this act may obtain a nonrenewable provisional permit to practice interpretation or transliteration upon the submission of the application, documentation of a high school diploma or GED, payment of the nonrefundable fee, and submission of three letters of recommendation from licensed interpreters that verify the skill level of the applicant.

(b) In subsequent years, permit holders and nonrenewable permit holders may apply for a renewable annual permit that shall require the submission of an affidavit and supporting materials documenting that the applicant has passed an interpreter code of ethics exam as approved by the board and an interpreting performance assessment approved by the board, the payment of the required nonrefundable annual fee, and the participation in a continuing education program approved by the board. The affidavit shall be submitted no later than March 15 annually.

(c) Subsequent renewal of a permit by a cued speech transliterator shall require submission of an affidavit and supporting materials documenting that the applicant has passed an interpreter code of ethics exam as approved by the board and payment of the required nonrefundable annual fee and participation in a continuing education program approved by the board. The affidavit shall be submitted no later than March 15 annually.

Section 7. The following persons shall be exempt from licensure or permitting pursuant to this act:

(1) Any student who is enrolled in a formal American sign language program, a formal interpreter training program, or a formal interpreter or transliterator internship program. The student shall be allowed to interpret or transliterate as part of his or her training for a maximum of 16 weeks in an educational setting or 120 hours in an agency or business.

(2) Any person who interprets or transliterates solely in a church, synagogue, temple, or other religious setting.

(3) Any person residing outside of the State of Alabama may provide interpreting and transliterating services for up to 14 working days per calendar year without a license.

(4) Any person desiring to interpret for remuneration where circumstances do not allow for fulfillment of the stated requirements for licensure or permitting may petition the board for exemption status.

Section 8. (a) The board may enter into a reciprocal agreement with any state, agency, or other organization that licenses, certifies, or registers professional interpreters or transliterators, or both, if the board finds that the state, agency, or organization has substantially the same requirements or more stringent requirements.

(b) The reciprocity agreement shall provide that the board shall license anyone who is currently licensed, certified, or registered in that state or by that agency or other organization if that state, agency, or other organization agrees to license, certify, or register any practitioners who are currently licensed pursuant to this act.

(c) The board shall set by regulation the fees appropriate in processing reciprocity.

Section 9. (a) The annual fee may be increased or decreased by the board, provided, the board shall not set an annual fee at an amount which would not provide sufficient revenues to pay all the costs and expenses incurred by the board in enforcing this act.

(b) The annual fee shall cover a license or permit for the 12-month period beginning March 15 of each year.

(c) There is created in the State Treasury the Alabama Licensure Board for Interpreters and Transliterators Fund. All fees collected by the board shall be paid into the State Treasury to the credit of the fund. Monies in the fund shall be subject to withdrawal only upon warrant of the State Comptroller to be issued upon certification of the secretary or treasurer of the board.

(d) Any funds remaining in the State Treasury to the credit of the board at the end of each year in excess of two hundred fifty thousand dollars (\$250,000) shall be available to provide for the education and training of interpreters and transliterators in postsecondary programs. At all times the board may retain a sum not in excess of two hundred fifty thousand dollars (\$250,000) to meet any emergency which may affect the efficient operation of the board. No funds shall be withdrawn or expended except as budgeted and allocated pursuant to Sections 41-4-80 to 41-4-96, inclusive, and Sections 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations bill or other appropriations bills. There shall be appropriated from the fund to the board for the fiscal years 1997-1998 and 1998-1999 an amount deemed necessary by the board to fund the costs of its operations.

Section 10. (a) Any person may apply for a license or a permit pursuant to this act by filing a written application on a form prescribed by the board not less than 30 days prior to the next meeting of the board. The application shall be accompanied by the payment of the annual nonrefundable license fee or permit fee.

The credentials of the applicant shall be reviewed according to the rules of the board.

(b) If the board finds the credentials in order, a license or permit shall be issued to the applicant.

(c) If the board rejects the credentials, the applicant will be notified in writing informing him or her of the reasons for rejection.

Section 11. (a) Any person may bring charges of fraud, deceit, negligence, incompetence, or misconduct against a licensee or permit holder. All charges shall be made in writing or by video tape and sworn to by the person making the charges. All charges shall be submitted to the chair of the board within 90 days of the alleged occurrence. After a review of the charges, the board shall conduct a hearing at which it may dismiss the charges, or may impose a fine not to exceed one thousand dollars (\$1,000), or may suspend or revoke the license or permit of the person charged.

(b) The licensee or permit holder may appeal a decision of the board imposing an administrative fine or revoking or suspending a license or permit by submitting a request to the board for reconsideration within 90 days following the decision of the board. If no resolution is achieved, further appeals shall be submitted to the circuit court in the jurisdiction of the residence of the licensee or permit holder. Any licensee or permit holder whose application for renewal of licensure or permitting was denied or whose license or permit was revoked may reapply after 12 months. The board may then reissue a license or permit or rescind any disciplinary action if a majority of the members, which shall be no less than four members, vote in favor of the action.

Section 12. The board may promulgate rules and regulations necessary to implement this act and accomplish its objectives. The rules and regulations shall be published in the Standards of Professional Practice and made available to all licensees and permit holders. The rulemaking powers of the board are subject to the Administrative Procedure Act, Sections 41-22-1 to 41-22-27, inclusive, Code of Alabama 1975.

Section 13. After January 1 of the year following the effective date of this act, any person who undertakes or attempts to undertake the practice of interpreting or transliterating for remuneration among consumers without first having procured a valid license or permit, or who knowingly presents or files false information with the board for the purpose of obtaining a license or permit, or who violates this act shall be guilty of a Class C misdemeanor. A person who is not licensed or permitted may not bring or maintain an action to enforce any contract for interpreting or transliterating services which he or she entered into in violation of this act. Whenever it appears to

the board that any interpreter or transliterator has violated or is about to violate this act, the board may, in its own name, petition the circuit court of the county where the violation occurred or is about to occur to issue a temporary restraining order enjoining the violation.

Section 14. (a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained within the State of Alabama as the result of conduct of any licensee or permit holder who violates this act or the rules and regulations of the board.

(b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.

Section 15. (a) A licensee or permit holder shall notify the board within 10 days of any felony conviction, and within 10 days of a civil action being brought against the licensee or permit holder, if the civil action arose from an interpreting or transliterating transaction or involves the goodwill of a licensee or permit holder or an existing interpreting or transliterating business or agency. The notification shall be in writing, sent by certified mail, and include a copy of the judgement.

(b) Allegations of breach of professional ethics or conduct incompatible with the Standards of Professional Practice as determined by the board may be brought against a licensee or permit holder by any individual, business, or agency.

Section 16. The board shall be an enumerated board pursuant to Sections 41-20-1 to 41-20-16, inclusive, Code of Alabama 1975, and shall be reviewed at the same time as the State Board of Medical Examiners.

Section 17. All laws or parts of laws which conflict with this act are repealed.

Section 18. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved May 7, 1998

Time: 9:31 A.M.

Act No. 98-676

H. 67 – Reps. Newton (D) and Perdue

AN ACT

Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975, copyrighted; providing that the contract for the publishing and selling of the Code of Alabama 1975, shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher

will charge for the sale of the code; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; amending Sections 36-13-5, 41-21-4, and 41-21-7, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-13-5, 41-21-4, and 41-21-7, Code of Alabama 1975, are amended to read as follows:

“§36-13-5.

“The Code Commissioner shall have each volume of the pamphlet acts of the legislature at each session thereof and each volume of the code copyrighted for the use and benefit of the state.

“§41-21-4.

“(a) Any contract to publish the official code of the statutes of Alabama under Section 29-7-6 may relate to any medium or form of the code and shall not be subject to the competitive bid laws of the state, including, but not limited to, Article 2 (commencing with Section 41-16-20) and Article 3 (commencing with Section 41-16-50) of Chapter 16 of this title.

“(b) A person under contract with the state to publish the official code of the statutes of Alabama may sell the code or any portion of the code, in any form or medium, pursuant to the contract to any person, firm, or corporation within or outside the state, if it is sold at prices determined and fixed by the publisher and the Legislative Council.

“§41-21-7.

“The Code Commissioner may contract for the preparation and publication of a compilation or abridgment in any form or medium of those sections of the Code of Alabama relating to a specific agency, department, institution, bureau, board, commission, or subject which, in the opinion of the Legislative Council, is essential to the effective performance of the duties of the agency, department, institution, bureau, board, or commission requesting the publication. A contract for the publication of a compilation or abridgment may be entered into only after funds have been appropriated or are otherwise available to the agency, department, institution, bureau, board, or commission for the publication. The compilation may be completely indexed and may include the annotations to the sections of the code included in the compilation.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1998

Time: 3:15 P.M.

Act No. 98-677

H. 203 – Rep. Burke

AN ACT

To provide for a permanent Joint Legislative Oversight Committee on Community Services Grants.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature hereby finds as follows: the Legislature has the constitutional duty to appropriate and safeguard taxpayers' money; the Legislature has recognized the need for community services programs; and the Legislature has recognized the purposes for which Alabama community services grants may be made in Section 41-24-3, Code of Alabama 1975, specifically as follows:

(1) to enhance the education of the citizenry through activities, expenditures for capital improvements or equipment, that promote literacy, learning, arts appreciation, public health and mental health.

(2) to promote activities that provide human and social services which reduce the hardships of old age, poor health or poverty.

(3) to promote the marketability, yield or quality of Alabama-produced agricultural commodities

(4) to promote the preservation, restoration, development and propagation of Alabama's natural resources, recreational facilities, environment, history, culture, transportation lanes, tourism, public safety, and historic landmarks and buildings.

Section 2. There is hereby created a permanent Joint Legislative Oversight Committee on Community Services Grants. The committee shall consist of the Chair of the House Ways and Means Committee; the Chair of the Senate Finance and Taxation-Education Committee; the Chair of the Senate Committee on Economic Expansion and Trade; three members of the House Ways and Means Committee appointed by the Chair of the House Ways and Means Committee; one member of the Senate Finance and Taxation-Education Committee appointed by the Chair of the Senate Finance and Taxation-Education Committee; and one member of the Senate Committee on Economic Expansion and Trade appointed by the Chair of the Senate Committee on Economic Expansion and Trade. The State Superintendent of Education and State Finance Director shall serve in advisory capacities. The committee shall hold its organizational meeting within 30 days after the adjournment of any session of the Legislature in which an appropriation has been made to the committee for community services grants. The committee shall meet at the call of the Chair or any majority of members thereof; provided, that the committee shall meet at least once each four months in years which grant appropriations have been made to the committee. The committee may meet,

act, and conduct its business during the sessions of the Legislature or any recess thereof, and in the interim period between sessions.

Section 3. The Secretary of the Senate, the Clerk of the House of Representatives, the Legislative Reference Service, the Legislative Fiscal Office, and the Examiners of Public Accounts shall provide any assistance as may be necessary at the committee's request. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated for the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chair; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session but they shall receive their travel expenses for all meetings attended. The maximum amount expended for the expenses of members of the committee under the provisions of this act shall not exceed \$10,000 annually.

Section 4. It shall be the duty of the committee to review applications and approve any community services grants made from any funds appropriated to the committee by the Legislature for the purpose of awarding community services grants. The committee may become a grant-making agency and receive and distribute any appropriations made by the Legislature to the committee for the community services grant program pursuant to Chapter 24 of Title 41 of the Code of Alabama 1975. The committee shall evaluate grant proposals based on the relevance of such proposals to the purposes for which such grants shall be made; the extent to which such grant proposal advances the program objective(s) of the grant-making agency; the ability of the grant recipient to fulfill the objectives of the grant proposal; the extent to which the grant proposal can benefit the greatest number of citizens, without excluding any geographic regions of the state. All of the above information may be ascertained by appropriate measures, which shall include interviews, audits, public hearings and recommendations by members of the Legislature. It shall also be the duty of the committee to ensure that, of any appropriations received by the committee, a minimum of the equivalent of 0.4% of such appropriations shall be distributed to each House district and 1.2% of such appropriations shall be distributed to each Senate district.

Section 5. The committee shall make an annual report to members of the Legislature no later than the seventh legislative day of regular sessions detailing any and all community services grants awarded.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 7, 1998

Time: 11:30 P.M.

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

July 15, 1997

ORDER

WHEREAS, the Alabama Legislature has enacted Act No. 97-494, Ala. Acts 1997, which, among other things, amends § 32-6-19, Ala. Code 1975, to provide that, in addition to all other fines, fees, costs, and punishments, there is imposed an additional penalty of \$50 for certain offenses presently listed in the "Schedule of Fines for Traffic Infractions" appearing as part of Rule 20(A), Alabama Rules of Judicial Administration; and

WHEREAS, the Administrative Office of Courts has recommended that Rule 20(A), Alabama Rules of Judicial Administration, be amended to provide that the penalty imposed pursuant to Act No. 97-494 be collected by the magistrate in the event a defendant elects to plead guilty;

NOW, THEREFORE, IT IS HEREBY ORDERED that rule 20(A), Alabama Rules of Judicial Administration, is amended to read in accordance with Appendix A to this order;

IT IS FURTHER ORDERED that this amendment shall be effective immediately.

Hooper, C.J., and Maddox, Almon, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 23rd day of July, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

APPENDIX A

(Amendment to Rule 20(A), Ala.R.Jud.Admin.)

(A) Schedule of Fines for Traffic Infractions. If a defendant in a district or municipal court case elects to plead guilty before a magistrate to one of the traffic offenses listed in the schedule below, the fine established in this schedule shall apply:

OFFENSES	FINES
Driving on wrong side of road	\$30.00
Failure to dim headlights	10.00

Failure to stop at railroad crossing	10.00
Failure to use child restraint	10.00
Failure to wear safety belt	10.00
Failure to yield right-of-way	20.00
Following too closely	20.00
Improper backing	20.00
Improper brakes	20.00
Improper lights	20.00
Improper muffler	10.00
Improper or no rearview mirror	20.00
Improper passing	20.00
Improper signal	10.00
Improper tag	25.00
Improper tires	20.00
Improper turn	20.00
Improper window tinting	20.00
No helmet (motorcycle rider)	10.00
Operating a motor vehicle without a drivers' license	25.00*
Running red light	20.00
Running stop sign	20.00
Speeding:	
Less than 25 MPH over posted speed limit:	20.00
25 MPH or more over posted speed limit:	40.00
Stopping on highway	30.00
Violating driver's license restriction or endorsement	10.00*

*In addition to this fine, the defendant is required to pay \$50, which the magistrate shall distribute as instructed in § 32-6-19, Ala. Code 1975, as amended by Act No. 97-494.

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

August 14, 1997

ORDER

IT IS ORDERED that Canon 7 of the Alabama Canons of Judicial Ethics be amended to read in accordance with the appendix to this order;

IT IS FURTHER ORDERED that this amendment shall be effective January 1, 1998.

Almon, Shores, Houston, Kennedy, and Cook, JJ., concur.1494

Hooper, C. J., concurs specially (special writing attached to this order).

Maddox and Butts, JJ., concur specially (special writing by Maddox, J., attached to this order).

See, J., concurs in part and dissents in part (special writing attached to this order).

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 14th day of August, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

HOOPER, CHIEF JUSTICE (concurring specially).

I appointed the Task Force that recommended revising Canon 7 of the Alabama Canons of Judicial Ethics. I had become concerned with the manner in which candidates were behaving in campaigns for judicial office. I see the adoption of this newly amended Canon 7 as a step in the right direction, and I concur in that adoption. However, I also have reservations about any attempt to limit political speech by any candidate for office in Alabama. I appreciate the concerns raised in Justice See's dissent. I have always believed that rigorous political debate about issues of importance to the people of Alabama and their judicial system is healthy and necessary to maintain a truly democratic system. If the people are to have a voice in regard to the kind of judicial system they believe is right for Alabama, then they must have a choice in the selection of the judges who will make decisions in that system. If the people are to have a choice as to who their judges will be, they must have full access to all the information they need in order to make that choice. I believe in having free information during campaigns, I believe the people should have a voice in the system and a choice as to who will serve in that system, and I believe in free and rigorous debate of important issues. I have a strong belief in placing sanctions upon candidates who make below-the-belt, underhanded, false accusations. Therefore, I concur in the adoption of the amended Canon 7, and I write to say that I appreciate the concerns raised by Justice See.

MADDOX, Justice (concurring specially).

I concur in the adoption of Canon 7 insofar as it substantially incorporates the language contained in a recommended Canon 7

proposed by the special Task Force on Judicial Elections appointed by the Chief Justice, which I chaired, and by the Alabama Supreme Court's Standing Committee on rules of Conduct and Canons of Judicial Ethics, which was chaired by J. Mark White, Esq.

I write specially to point out that neither the Task Force nor this Court's Standing Committee recommended the inclusion of the language in § A(1), lifted from our old Canon 7, which did not prohibit a judge or candidate from becoming involved in the internal workings of political organizations and from engaging in campaign activities in connection with a political candidate other than a candidate for judicial office. I personally would prefer not to include this language in the amended Canon 7.

The Task force recommended, instead, the following language for § A(1), which I believe would have become sufficient:

"1. A judge or a candidate for election to judicial office shall at all times refrain from political activities inappropriate to the judicial office that he holds or seeks.

"(a) A judge shall conduct himself or herself in a manner at all times to prevent any political considerations, entanglements or influences from ever becoming involved in or from ever appearing to be involved in any judicial decision or in the judicial process."

(Emphasis added.)

I recognize that so long as judges are subject to nomination and election as candidates of a political party, a judge or a candidate for judicial office cannot divorce himself or herself completely from political organizations and campaign activities that indirectly or directly may be involved in his or her election. The amended Canon allows communications by a candidate concerning the cost of a campaign or the necessity of raising funds and allows general comments about campaign expenses, and it recognizes, as well, the right of a candidate to appear and speak in his or her own behalf at any function organized in support of his or her candidacy. That should be sufficient.

On the issue addressed by Justice See in his dissent, I recognize that there are constitutional limitations on the restrictions that can be placed on the professional and personal conduct of judges and judicial candidates, but I believe that the conduct of judges, like that of lawyers, can be restricted further than that of the average person, without violating their constitutional rights, and, insofar as I know, the Supreme Court of the United States has not yet addressed the specific question of the limits of the restrictions that can be imposed on judges and judicial candidates. For a full discussion of this issue, see the excellent article written

by Chief Justice Randall T. Shepard of the Supreme Court of Indiana, entitled *Campaign Speech: Restraint and Liberty in Judicial Ethics*, 9 Geo. J. Legal Ethics 1059 (1996).

The Task Force that I chaired recommended voluntary guidelines that a Judge or candidate could elect to adopt, and the spirit of Canon 7 is that judicial candidates, although having to run in partisan elections, should attempt to divorce themselves as much as possible from partisan politics and partisan political activity, and even if Canon 7 permitted certain campaign conduct, nothing would prevent a candidate from voluntarily assuming a higher standard when conducting his or her political activities.

Butts, J., concurs.

SEE, JUSTICE (concurring in part and dissenting in part).

I concur in the adoption of the constraints placed by § A on the nonjudicial political conduct of judges, and in the adoption of those provisions of § B that require a judge to maintain the dignity of the office, to refrain from using campaign funds for private benefit, and to be accountable for the actions of his campaign staff. However, I am compelled to dissent from the majority's adoption of those portions of the amendment to Canon 7, Alabama Canons of Judicial Ethics, that I believe unconstitutionally suppress the political speech of candidates for judicial office.

It is understandable that judges would wish to protect themselves and their families from public criticism. Recent judicial candidates are not alone as targets of indecent and improper attacks. Since the founding of our nation, decent men and women have had their reputations maligned because they cared enough about their neighbors and their nation to offer themselves for public service or to challenge the practices or vision of officeholders who fell short.¹

For voters to make a meaningful choice between political candidates, they must be informed. Information about a candidate's experience, qualifications, and philosophy ultimately must flow from free and open debate. Such debate is protected by the First Amendment to the Constitution of the United States:

"Congress shall make no law . . . abridging the freedom of speech, or of the press. . . ."

The Supreme Court of the United States has long recognized that freedom of speech is "the indispensable condition of nearly every other form of freedom." *Paulko v. Connecticut*, 302 U.S. 319, 327 (1937) (Cardozo, J).² The decision to protect free speech recognizes that knowledge is preferable to ignorance and that the best antidote for false speech is open access for true speech. See *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting)

(advocating a “marketplace of ideas” as the best means of determining the truth among competing concepts).³ Although we could agree that false statements and personal attacks are objectionable, history demonstrates that the price paid in liberty for political censorship is too high.⁴

While freedom of speech is not an absolute right,⁵ constitutional protection is greatest when the stakes are highest. In a republic that bestows power based on the number of votes received in contested elections, the stakes are highest when speech is political. See, e.g., *Brown v. Hartlage*, 456 U.S. 45 (1982); *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

This heightened protection of political speech prohibits not only attempts by Congress to suppress free speech but also similar attempts by various organs of state governments. See generally, e.g., *Gitlow v. New York*, 268 U.S. 652, 666 (1925) (applying First Amendment analysis to New York’s criminal anarchy statute); *Saia v. New York*, 334 U.S. 558 (1948) (invalidating a city ordinance that suppressed free speech); *Rosenberger v. Rector & Visitors of the Univ. of Virginia*, 515 U.S. 819 (1995) (invalidating application of university guideline that denied funding for student newspaper with Christian editorial viewpoint).⁶

The majority’s amended Canon 7 limits the political speech of candidates for elected judicial office and thus implicates heightened First Amendment protections.⁷ The Seventh Circuit, in *Buckley v. Illinois Judicial Inquiry Board*, 997 F.2d 224 (7th Cir. 1993) (Posner, J.), balanced the competing interests of free political speech and impartial judicial decision-making and struck down as overbroad an ethics rule promulgated by the Supreme Court of Illinois that provided:

“[A] candidate, including an incumbent judge, for a judicial office filled by election or retention . . . should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office. . . .”

Id. at 225 (emphasis added).⁸ Section 7B(1)(c) as today amended, provides:

“A candidate for judicial office filled either by public election between competing candidates or on the basis of a merit system election:

“

“(c) Shall not make any promise of conduct in office other than the faithful and impartial performance of the duties

of the office; [and] shall not announce in advance the candidate's conclusions of law on pending litigation"

(Emphasis added.) Because the amendment uses the command "shall" instead of the suggestion "should," it is even more restrictive of political speech than the Illinois rule held invalid in *Buckley*, 997 F.2d at 230.⁹

The majority, however, goes even further. Section 7B(2) as today amended not only limits the communication of false information, but also provides that a judicial candidate shall not communicate true information about a candidate "that would be deceiving or misleading to a reasonable person." Thus, the majority seeks to restrict true speech where, in hindsight, the truth may appear misleading.

The Supreme Court of the United States expanded the reach of its First Amendment jurisprudence, in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), perhaps to its maximum extent, to protect even false speech on matters of public interest, except where there is knowing or reckless falsity. The Supreme Court placed no such limitation on First Amendment protection of true speech on matters of public interest, whether or not that speech is found, in hindsight, to be "deceiving or misleading" to a reasonable person. This Court could have narrowed § 7B(2) of the amended Canon to eliminate this First Amendment concern, but the majority did not.¹⁰

The people of Alabama have chosen to select their judges in open, popular elections. See Ala. Const. amend. 328, § 6.13 (providing that judges, including Justices of this Court, shall be chosen by election). This Court cannot, consistent with the First Amendment, shield incumbent judges and Justices, or their challengers, from all the unpleasantries of political criticism inherent in the election process. That is a task that lies ultimately in the hands of the voters, and its accomplishment depends on what tactics voters will or will not tolerate. The majority's attempt to restrict political speech, even for the best of motives, runs the substantial risk of coercing silence on matters of legitimate public concern, thereby suppressing the very freedoms that judges and Justices, once elected swear to uphold.

⁹For example, Thomas Jefferson expressed his concern about newspaper attacks on John Jay as follows:

"In truth it is afflicting that man who has past his life in serving the public . . . should yet be liable to have his peace of mind so much disturbed by any individual who shall think proper to arraign him in a newspaper. It is however an evil for which there is no remedy. Our liberty depends on the freedom of the press, and that cannot be limited without being lost"

9 *Papers of Thomas Jefferson* 239 (J. Boyd ed. 1954).

²Since *Palko*, the Supreme Court has adopted a more expansive application of the Bill of Rights, including the First Amendment, to the states. See *Benton v. Maryland*, 245 U.S. 784, 794 (1969) (extending federal double jeopardy protections to defendants in state court proceedings).

³Before Parliament, John Milton denounced restriction of the press:

"[T]hough all the winds of doctrine were let loose to play upon the earth, so truth be in the field, we do injuriously, by licensing and prohibiting, to misdoubt her strength. Let her and falsehood grapple; whoever knew truth put to the worse in a free and open encounter?"

J. Milton, *Areopagitica, A Speech for the Liberty of Unlicensed Printing to the Parliament of England* (1644).

⁴Justice Story commented that the Founding Fathers' insistence that the Constitution guarantee free speech grew, in part, from the dismal experience of the English law with prior restraints on printed criticism of incumbent government officials:

"The art of printing soon after its introduction, we are told, was looked upon, as well in England as in other countries, as merely a matter of state, and subject to the coercion of the crown. It was, therefore, regulated in England by the King's proclamations, prohibitions, charters of privilege, and licenses, and finally by the decrees of the Court of the Star-Chamber, which limited the number of printers and of presses which each should employ, and prohibited new publications, unless previously approved by proper licensers. On the demolition of this odious jurisdiction, in 1641, the Long Parliament of Charles the First, after their rupture with that prince, assumed the same powers which the Star-Chamber exercised with respect to licensing books; and during the Commonwealth (such is human frailty and the love of power even in republics!) they issued their ordinances for that purpose, founded principally upon a Star-Chamber decree in 1637. After the restoration of Charles the Second, a statute on the same subject was passed, copied, with some few alterations, from the parliamentary ordinances. The act expired in 1679, and was revived and continued for a few years after the revolution of 1688. Many attempts were made by the government to keep it in force; but it was so strongly resisted by Parliament that it expired in 1694, and has never since been revived."

2 J. Story, *Commentaries on the Constitution of the United States*, § 1882 (5th ed. 1891) (footnote omitted).

⁵As Justice Holmes wrote:

"The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force . . . The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."

Schenck v. United States, 249 U.S. 47, 52 (1919).

⁶Alabama's Constitution, like its federal counterpart, guarantees free speech:

"[N]o law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty."

Ala. Const. 1901, art. I, § 4.

⁷While the Constitution of Alabama of 1901 authorizes this Court to promulgate rules, amend. 328, § 6.11, the Constitution also specifically limits this power by instructing that this Court "shall adopt . . . canons of ethics, not inconsistent with the provisions of this Constitution," *id.* at § 6.08(c). See *supra* note 6.

⁸In *Buckley*, Judge Posner noted that the Third Circuit had upheld a similarly worded restriction on the political speech of Pennsylvania judges in *Stretton v. Disciplinary Board*, 944 F.2d 137 (3d Cir. 1991). He distinguished *Stretton* from *Buckley* by stating that the Third Circuit construed the speech restriction as applicable only to those statements that indicated a judicial candidate had prejudged a particular case. *Buckley*, 997 F.2d at 230. Such a narrow interpretation would be difficult here. The majority's Canon 7B(1)(c) provides, first, that a candidate "[s]hall not make any promise of conduct," and, second, that a candidate "shall not announce in advance the candidate's conclusions of law on pending litigation." A narrow construction of the general "shall not promise" clause would appear to render the specific "shall not announce" clause mere surplusage, a rendering that is frowned on by ordinary rules of construction. See *Ex parte Jackson*, 625 So. 2d 425, 428 (Ala. 1992).

⁹I agree with Justice Maddox, that the political speech of judges is subject to certain restrictions necessary to protect the integrity of impartial judicial decision-making. To determine the proper scope of such a restriction, however, the interests of litigants in impartial judicial decision-making must be carefully balanced against the interests of voters in free political speech. In my view, the language of Model Canon 5A(3)(d)(ii), 1990 ABA Model Code of Judicial Ethics, strikes an appropriate balance between these competing interests; the majority's patching of old Canon 7, which was based on the 1972 ABA Code of Judicial Conduct, does not. Section 5A(3)(d)(ii) provides that a candidate shall not "make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court." Such a narrowly tailored restriction would protect the interests in impartial judicial decision-making without broadly circumscribing the political speech of candidates in violation of the First Amendment. See *Buckley*, 997 F.2d at 230 (citing Model Canon 5A(3)(d)(ii) with approval).

¹⁰In addition to First Amendment concerns, the amendment has other problems. First, § 7B(4) of the amended Canon imposes a redundant layer of campaign financing rules that could pose a trap for the unwary candidate. See, e.g., Ala. Code 1975, §§ 17-22A-1 to -23 (providing fund-raising, reporting, and accounting requirements applicable to judicial candidates); § 36-25-6 (Supp. 1996) (prohibiting candidates from accepting or soliciting contributions for an election campaign until 12 months before the election).

Second, the amendment suffers from certain drafting problems. For example, § 7B(1)(b) of the amendment provides that a candidate "[s]hall not authorize or knowingly permit any other person to do for the candidate what the candidate is prohibited from doing under this or any other Canon." While it is possible for a candidate to control his own authorization of a prohibited action, it may be virtually impossible for a candidate to refrain from "knowingly permitting" a prohibited action by a person over whom he has no control. What affirmative actions are required of a candidate to avoid violation of this provision? Further, § 7B(1)(c) provides that a candidate "shall not announce in advance the candidate's conclusions of law on pending litigation." The phrase "pending litigation" is not defined. A candidate cannot always know whether a case presenting a certain issue is pending before some court somewhere. In fact, a candidate may not know that such a case is pending before the court to which he seeks election or re-election.

Instead of rushing to adopt this amendment, "as is," I would have circulated the proposed amendment to the State Bar and other legal institutions (e.g., the Alabama Law Institute) for comments and drafting suggestions.

APPENDIX**CANON 7.****A judge or judicial candidate shall refrain from political activity inappropriate to judicial office.**

Definitions: As used in this Canon:

(a) "Candidate" means a person who has made a public announcement of candidacy for judicial office, or declared or filed as a candidate for judicial office with the election authority, or authorized the solicitation or receipt of contributions or support for judicial office, whichever occurred first. The term "candidate" includes an incumbent judge or an attorney who is not a judge.

(b) "Shall" is employed in Canon 7 to indicate the mandatory.

A. Political Conduct in General:

(1) A judge or a candidate for election to a judicial office shall endeavor at all times to refrain from political activities inappropriate to the judicial office that he or she holds or seeks. It is desirable that a judge or a candidate for election to judicial office endeavors not to be involved in the internal workings of political organizations, engage in campaign activities in connection with a political candidate other than a candidate for a judicial office and not be involved in political fund solicitations other than for himself or herself. However, so long as judges are subject to nomination and election as candidates of a political party, it is realized that a judge or a candidate for election to a judicial office cannot divorce himself or herself completely from political organizations and campaign activities which, indirectly or directly, may be involved in his or her election or re-election. Nevertheless, should a judge or a candidate for a judicial position be directly or indirectly involved in the internal workings or campaign activities of a political organization, it is imperative that he or she at all times conduct himself or herself in such a manner as to prevent any political considerations, entanglements, or influences from ever becoming involved in or from ever appearing to be involved in any judicial decision or in the judicial process.

(2) A judge shall resign his or her office when the judge becomes a candidate either in a political primary or in a general election for nonjudicial office, except that the judge may continue to hold judicial office while being a candidate for election to any judicial office or while being a candidate for election to a state constitutional convention or commission.

(3) A judge may engage in activity on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct:

(1) A candidate for judicial office filled either by public election between competing candidates or on the basis of a merit system election:

(a) Shall maintain the dignity appropriate to judicial office.

(b) Shall not authorize or knowingly permit any other person to do for the candidate what the candidate is prohibited from doing under this or any other Canon. This shall not apply to B. (4) (a).

(c) Shall not make any promise of conduct in office other than the faithful and impartial performance of the duties of the office; shall not announce in advance the candidate's conclusions of law on pending litigations; and shall not misrepresent his or her identity, qualification, present position, or other fact.

(d) Shall not use or permit the use of campaign contributions for the private benefit of the candidate.

(2) Campaign communications: During the course of any campaign for nomination or election to judicial office, a candidate shall not, by any means, do any of the following:

Post, publish, broadcast, transmit, circulate, or distribute false information concerning a judicial candidate or an opponent, either knowing the information to be false or with reckless disregard of whether that information is false; or post, publish, broadcast, transmit, circulate, or distribute true information about a judicial candidate or an opponent that would be deceiving or misleading to a reasonable person.

(3) Accountability: A candidate, including an incumbent judge or a nonincumbent candidate, shall be responsible for the content of any statement communicated in any medium by his or her campaign committee and for compliance by his or her campaign committee with the limitations on campaign solicitations, contributions, and expenditures contained in this Canon and with the laws of this state if the candidate knew, or should have known through the exercise of due and reasonable diligence, of the statement, solicitation, contribution, or expenditure.

(4) Campaign financing:

(a) A candidate shall not personally solicit campaign contributions. A candidate may, however, establish committees of responsible persons to solicit and accept campaign contributions, to manage the expenditure of funds

for the candidate's campaign, and to obtain public statements of support for his or her candidacy. Such committees may solicit and accept campaign contributions and public support from lawyers.

(b) Contributions to a judge's or a candidate's campaign shall be neither solicited nor accepted more than one year prior to the election in which the candidate participates as a candidate for judicial office or more than 180 days after their election.

(c) Candidates shall file reports as required by the Alabama Fair Campaign Practices Act.

Commentary

Communications by a candidate concerning the cost of a campaign or the necessity of raising funds, and general comments about campaign expenses, are permitted conduct under this section. A candidate may appear and speak in his or her own behalf at any function organized in support of his or her candidacy.

C. Reporting Violations of Canon 7:

(a) If such filing is permitted by law, a complaint alleging a violation of this Canon 7 shall be filed with the Judicial Inquiry Commission.

(2) A complaint, alleging a violation of Canon 7, filed with the Judicial Inquiry Commission or the Alabama State Bar during the course of a campaign for election shall be given priority by that institution, and every effort shall be made to render a decision on the complaint during the course of the election campaign.

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT IN THE SUPREME COURT OF ALABAMA

September 10, 1997

ORDER

IT IS HEREBY ORDERED that Rule 20(A), Alabama Rules of Judicial Administration, be amended to read in accordance with Appendix A attached to this order;

IT IS FURTHER ORDERED that this amendment shall be effective immediately.

Hooper, C.J., and Maddox, Almon, Shores, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy

of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 10th day of September, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

APPENDIX A

(Amendment to Rule 20(A), Ala.R.Jud.Admin.)

(A) Schedule of Fines for Traffic Infractions. If a defendant in a district or municipal court case elects to plead guilty before a magistrate to one of the traffic offenses listed in the schedule below, the fine established in this schedule shall apply:

OFFENSES	FINES
Driving on wrong side of road	\$30.00
Failure to dim headlights	10.00
Failure to stop at railroad crossing	10.00
Failure to use child restraint	10.00
Failure to wear safety belt	10.00
Failure to yield right-of-way	20.00
Following too closely	20.00
Improper backing	20.00
Improper brakes	20.00
Improper lights	20.00
Improper muffler	10.00
Improper or no rearview mirror	20.00
Improper passing	20.00
Improper signal	10.00
Improper tag	25.00
Improper tires	20.00
Improper turn	20.00
Improper window tinting	20.00
No helmet (motorcycle rider)	10.00
Operating a motor vehicle without a drivers' license	25.00*
Running red light	20.00
Running stop sign	20.00
Speeding:	
Less than 25 MPH over posted speed limit:	20.00
25 MPH or more over posted speed limit:	40.00
Stopping on highway	30.00
Violating driver's license restriction or endorsement	10.00*

*This amount does not include the \$50 penalty imposed pursuant to § 32-6-18 and § 32-6-19, Ala. Code 1975, as amended by Act No. 97-494, effective May 22, 1997.

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

October 8, 1997

ORDER

IT IS ORDERED that Rule 1.4, Alabama Rules of Criminal Procedure, be amended, by adding, following the definition of “Venire” at section (dd), the following section:

“(ee) ‘Warrant of Arrest.’ See Rule 3.2. The terms ‘warrant’ and ‘writ,’ as used throughout these rules to refer to a written order of arrest, shall be synonymous and interchangeable.”

IT IS FURTHER ORDERED that this amendment be effective December 1, 1997.

Hooper, C.J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

October 8, 1997

ORDER

IT IS ORDERED that Rule 3.7, Alabama Rules of Criminal Procedure, be amended to read as follows:

“RULE 3.7 AUTHORITY TO ISSUE SEARCH WARRANTS

“Upon request of a law enforcement officer or district attorney, a search warrant authorized by this rule may be issued by:

“(i) A magistrate who is authorized to practice law in the State of Alabama, or who is authorized by law to issue search warrants, within the magistrate’s territorial jurisdiction; or

“(ii) A municipal judge, if the search is to be conducted within the police jurisdiction of the municipality; or

“(iii) A district judge within the county; or

“(iv) A circuit judge within the judge’s circuit.”

IT IS FURTHER ORDERED that the Committee Comments to Rule 3.7 be amended to read as follows:

**“Committee Comments as Amended
Effective December 1, 1997**

“Rule 41(a), Fed.R.Crim.P., includes a provision setting out the authority to issue search warrants. Rule 3.7 is patterned on this federal rule, and the amendment effective December 1, 1997, specifically eliminated the following words in subsection (iii): ‘where the property to be searched is located.’ The intention of the amendment was to permit anticipatory search warrants. See *Ex parte Oswald*, 686 So. 2d 368 (Ala. 1996).

“Inclusion of the provision that the magistrate be within the magistrate’s territorial jurisdiction is supported by the case of *Womack v. State*, 281 Ala. 499, 205 So.2d 579 (1967), which states that ‘the decisive requirement [in determining the limits of the territory within which an officer issuing a search warrant may authorize a search] is . . . that the magistrate must have jurisdiction of the place at which the search is to be made.’ 281 Ala. at 503, 205 So.2d at 583.”

IT IS FURTHER ORDERED that this amendment be effective December 1, 1997.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,

Clerk, Supreme Court of Alabama

**THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA**

October 8, 1997

ORDER

IT IS ORDERED that Rule 3.8, Alabama Rules of Criminal Procedure, be amended to read as follows:

“Rule 3.8. GROUNDS FOR ISSUANCE OF SEARCH WARRANT

“A search warrant authorized by this rule may be issued if there is probable cause to believe that the property sought:

“(1) Was, or is expected to be, unlawfully obtained;

“(2) Was, or is expected to be, used as the means of committing or attempting to commit any offense under the laws of the State of Alabama or any political subdivision thereof;

“(3) Is, or is expected to be, in the possession of any person with intent to use it as a means of committing a criminal offense, or is, or is expected to be, in the possession of another to whom that person may have delivered it for the purpose of concealing it or preventing its discovery; or

“(4) Constitutes, or is expected to constitute, evidence of a criminal offense under the laws of the State of Alabama or any political subdivision thereof.”

IT IS FURTHER ORDERED that the following Committee Comments be added to the Committee Comments following that rule:

**“Committee Comments to Amendment Effective
December 1, 1997**

“The committee proposed this amendment to comply with the recommendation by the Alabama Supreme Court that Rule 3.8 be redrafted to permit the broader issuance of anticipatory search warrants. *Ex parte Oswald*, 686 So. 2d 368 (Ala. 1996). In *Oswald*, the Alabama Supreme Court held that anticipatory search warrants are not per se unconstitutional, but that those that fail to comply with Rule 3.8, Alabama Rules of Criminal Procedure, are impermissible.

“The Alabama Supreme Court noted in *Oswald* that the use of present- and past-tense language in Rule 3.8 (as it read before this amendment) restricted the issuance of anticipatory search warrants. The amendment permits anticipatory search warrants by adding future-tense language. Now a warrant to search for property that is not within the jurisdiction when the warrant is issued, but that is expected to be within the jurisdiction when the search is conducted, is valid if it otherwise complies with the rule.

“A common factual basis for anticipatory search warrants occurs when the officer presents evidence that contraband is on a ‘sure course’ to a certain premises. It is clear that the affidavit supporting the anticipatory search warrant must show elements beyond the mere fact that the officer believes that a delivery of contraband is going to occur. The affidavit must

also reveal how the officer obtained this belief, how reliable the sources are, and what part, if any, the state or a governmental agency will play in the delivery. The judicial officer will then decide whether there is probable cause to believe that the delivery will occur, and whether there is probable cause to believe that the contraband will be located on the premises when the search takes place. See, e.g., *United States v. Garcia*, 882 F.2d 699, 703-04 (2d Cir. 1989)."

IT IS FURTHER ORDERED that this amendment and the addition of the comment be effective December 1, 1997.

Hooper, C.J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

October 8, 1997

ORDER

IT IS ORDERED that Rule 9.1(b) (2), Alabama Rules of Criminal Procedure, be amended to read as follows:

"(2) A defendant may not waive the right to be present if

"(i) The defendant is not represented by counsel at the proceeding at which the defendant is not present, except in minor misdemeanor cases or proceedings conducted after the defendant has been adjudicated guilty; or

"(ii) The defendant had been convicted of an offense that may be punishable by death and sentence is being imposed."

IT IS FURTHER ORDERED that the Committee Comments to Rule 9.1 be amended to read as follows:

**"Committee Comments as Amended Effective
December 1, 1997**

"Rule 9.1 sets forth the right of the defendant to be present at every stage of the trial and provides for waiver of that right.

Rule 9.1 is based on Rule 43, Fed.R.Crim.P., and rule 713, Unif.R.Crim.P. (Proposed Final Draft, 1974).

"Rule 9.1(a) states the right of a defendant to be present at all stages of the criminal prosecution at which a defendant has a right to be heard. Sixth Amendment to the United States Constitution; Article I, § 6, Alabama Constitution of 1901; *Ex parte Bryan*, 44 Ala. 402 (1870). Under *Neal v. State*, 257 Ala. 496, 59 So.2d 797 (1952), the continuous presence of the defendant from arraignment to sentencing is an essential part of the process provided for the trial of the defendant, without which the court has no jurisdiction to pronounce judgment against the defendant.

"Section (b) allows a defendant to waive the right to be present. The defendant may make an express waiver in open court or may waive the right by voluntary absence from the proceeding. See *Taylor v. United States*, 414 U.S. 17, 94 S.Ct. 194, 38 L.Ed.2d 174 (1973).

"Waiver of the right to be present must be clear and unequivocal. Waiver must be affirmative and positive in nature and made by the defendant personally. *Haynes v. State*, 40 Ala.App. 106, 109 So.2d 738 (1958), cert. denied, 268 Ala. 546, 109 So.2d 746 (1959). Consent or acquiescence of a defendant to a waiver of the right cannot be presumed but must affirmatively appear from the record. *Berness v. State*, 263 Ala. 641, 83 So.2d 613 (1955). Thus, section (b) allows the court to find an implied waiver only when the defendant has been present at the commencement of the trial and fails to appear at some later stage of the trial. Such a waiver may not be inferred if the defendant has never appeared at trial, except in the case of a minor misdemeanor, which by definition carries no threat of imprisonment.

"The standards for waiver are those required for waiver of other constitutional rights. The factors that the court should consider in finding a valid waiver are whether the defendant had personal notice of the time of the proceeding, the right to be present at it, and a warning that the proceeding would go forward in the defendant's absence should the defendant fail to appear. However, according to *Taylor*, it is not incumbent upon the court to warn the defendant expressly of these three factors where the defendant has personally appeared at the commencement of trial and it can reasonably be assumed that the defendant has knowledge of the right to be present. On the other hand, where the defendant is not present at the commencement of the proceeding in a minor misdemeanor case, it

is clear that the court must ascertain that the defendant knew of the time and place to appear and the consequences of the failure to appear.

“A defendant who has received the required warnings might still be involuntarily absent and should be permitted to prove that fact in a subsequent or collateral proceeding. The trial court does not commit error in trying the defendant in his or her absence where the defendant knows the date of the trial and simply fails to appear and there is no evidence suggesting that the defendant is involuntarily absent. *Gulledge v. State*, 526 So.2d 654 (Ala.Crim.App. 1988). Also, the decision to proceed in light of a voluntary waiver is discretionary, not mandatory, with the court. The court is in no instance required to proceed. Of course, the lack of a waiver may not always warrant reversal if the proceeding from which the defendant was absent was not critical or the error, if any, was harmless. See, e.g., *Maund v. State*, 361 So.2d 1144 (Ala. Crim. App. 1978); *Johnson v. State*, 335 So.2d 663 (Ala. Crim. App.), cert. denied, 335 So.2d 678 (Ala.), cert. denied, 429 U.S. 1026 (1976); *Ex parte Stout*, 547 So.2d 901 (Ala. 1989).

“Under the rule as originally adopted, a defendant was prohibited from waiving the right to be present in two situations. The first was where the defendant was charged with an offense punishable by death. Following the United States Supreme Court’s holding in *Illinois v. Allen*, 397 U.S. 337, 90 S.Ct. 1057, 25 L.Ed.2d 353 (1970), the Alabama Supreme Court and the Alabama Court of Criminal Appeals have held that even in a case where the defendant is charged with a capital offense, the defendant ‘may forfeit his right to be present at trial by exhibiting misconduct.’ *Ex parte Jackson*, 674 So.2d 1365, 1369 (Ala. 1994). See also *Clemons v. State*, [Ms. CR-94-0270, December 20, 1996] ___ So.2d ___ (Ala. Crim. App. 1996). The amendment to Rule 9.1(b) (2) allows a defendant charged with a capital offense to waive his or her right to be present at any stage of the proceedings, except for sentencing, provided the waiver complies with the provisions of Rule 9.1(b) (1). The other prohibition, where the defendant is not represented by counsel, has been retained. Fundamental fairness quite clearly is violated if neither the defendant nor counsel for the defendant is present at trial. If a defendant who has waived counsel is subsequently absent during trial under circumstances from which the court may infer a waiver of the right to be present under Rule 9.1(b) (1) (ii), the court may then appoint counsel to represent the defendant in his or her absence and resume trial unless the circumstances would require a mistrial or continuance in the interest of justice.

“Rule 9.1(c) is adopted from Rule 713(c), Unif.R.Crim.P. (Proposed Final Draft, 1974), and deals with the situation above where the defendant’s presence is required at trial.

“A provision similar to Rule (9.1(d) appears in Rule 43, Fed.R.Crim.P.”

IT IS FURTHER ORDERED that these amendments be effective December 1, 1997.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

October 8, 1997

ORDER

IT IS ORDERED that the Committee Comments to Rule 9.2, Alabama Rules of Criminal Procedure, be amended to read as follows:

**“Committee Comments as Amended Effective
December 1, 1997**

“Rule 9.2 provides a procedure for dealing with disruptive and disorderly defendants. It is based upon *Illinois v. Allen*, 397 U.S. 337, 90 S.Ct. 1057, 25 L.Ed.2d 353 (1970), and ABA, Standards for Criminal Justice, *Special Functions of the Trial Judge*, 6-3.8 (2d ed. 1986).

“The rule states a preference for removing the defendant from the courtroom rather than binding and gagging the defendant and permitting the defendant to remain. However, there may be an instance in which binding and gagging is the only method available to the court for dealing with a disruptive defendant, such as where the defendant is charged with a capital offense and sentence is being imposed or where the defendant is representing himself or herself. Rule 9.1(b) (2). In

the latter situation, ABA, Standards for Criminal Justice, *supra*, at 6-3.9, suggest that after appropriate warnings, the court should revoke permission to defend *pro se*, appoint counsel, and remove the defendant rather than bind and gag the defendant, because a bound and gagged defendant could in no event adequately represent himself or herself.

“Section (c) directs the court to use reasonable means to permit the defendant to hear and observe the proceedings. The language is intended to encourage use of any practical audiovisual devices in communicating the progress of the trial to the defendant. The rule directs the court to employ means that will let the defendant hear and observe, not participate. The cost of a simple intercom system would not be prohibitive; however, no court is required to use impractical and expensive technology.

“The court’s contempt power under Rule 33 is also applicable to situations contemplated by Rule 9.2.

“It is understood that a defendant, by disruptive conduct, may forfeit the right to be present, even in circumstances where the right could not be waived under Rule 9.1(b) (2) (i). In such circumstances, the court would be on safer ground to appoint advisory counsel even if the defendant had refused to accept appointed counsel.”

IT IS FURTHER ORDERED that this amendment be effective December 1, 1997.

Hooper, C.J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

October 8, 1997

ORDER

IT IS ORDERED that the following Committee Comments be added to Rule 16.6, Alabama Rules of Criminal Procedure:

**“Committee Comments Adopted Effective
December 1, 1997**

“Rule 16.6 was adopted by the Alabama Supreme Court following the passage of Act No. 95-719, 1995 Ala. Acts. Act No. 95-719, codified at § 12-21-264, Ala. Code 1975, authorized the Court to adopt procedural rules governing the taking of, and, in the event of an appeal, the transcribing of, videotape depositions of victims and witnesses who are unavailable for criminal trials. Section 12-21-264 authorizes the taking and use of depositions, including videotaped depositions, by the state or the defendant, of a victim or a witness who is unable to attend a criminal trial because of medical reasons or other exceptional circumstances. Act No. 95-719, however, specifically provides that such depositions are *not* available in prosecutions for sexual offenses and exploitation involving children, i.e., prosecutions pursuant to Title 15, Chapter 25.

“The Act eliminated the requirements of prior law that depositions be limited to written questions, be taken only when a witness resided out-of-state or more than 100 miles from the place of trial, and only after obtaining the written request of the defendant.

“Pursuant to § 12-21-264, the moving party must pay all costs associated with the taking of a deposition or the videotaping of a deposition.”

IT IS FURTHER ORDERED that the addition of the comment be effective December 1, 1997.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

October 8, 1997

ORDER

IT IS ORDERED that the first paragraph of the Committee Comments following Rule 18.4, Alabama Rules of Criminal Procedure, be amended to read as follows:

“Rule 18.4 supersedes Ala. Code 1975, § 12-16-100, as amended by Act No. 81-788, 1981 Ala. Acts. In doing so, it basically incorporates the provisions of that Code section, with some modification. The fact that Rule 18.4(f) (1) (i) authorizes more prospective jurors to be included on the strike list for the trial of a capital case than for the trial of a noncapital case does not violate the provision in § 12-16-100(a) prohibiting special venires in capital cases. See *Beard v. State*, 661 So.2d 789 (Ala. Crim. App. 1995). In *Beard*, the Court of Criminal Appeals held that the trial court did not err in calling 16 additional prospective jurors, in accordance with Rule 18.4(h), to ensure that there was a sufficient number of prospective jurors from which to strike for all trials to be held during the week, including a capital case. The court held that this ‘supplementing of the jury panel to ensure that the statutory minimum from which to strike is available does not constitute a “special venire.”’ 661 So.2d at 795.”

IT IS FURTHER ORDERED that this amendment be effective December 1, 1997.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

October 8, 1997

ORDER

WHEREAS, the Advisory Committee on the Rule of Criminal Procedure has recommended an amendment to Rule 19.3, Alabama Rules of Criminal Procedure, necessitated by the enactment of Act No. 95-190, 1995 Ala. Acts, and

WHEREAS, this Court has reviewed that recommendation and deems it appropriate,

IT IS THEREFORE ORDERED that Rule 19.3, Alabama Rules of Criminal Procedure, be amended to read as follows:

“Rule 19.3 SEPARATION, SEQUESTRATION, AND ADMONITIONS TO JURORS.

“(a) Separation and Sequestration of Jurors in Felony Trials.

“(1) In the prosecution of any felony case, the trial court, in its discretion, may permit the jury hearing the case to separate during the pendency of the trial. Such a separation of the jury shall create a prima facie presumption that the accused was not prejudiced by reason of the separation.

“(2) The court may, at any time, on its own initiative or on motion of any party, require that the jury be sequestered under the charge of a proper officer whenever the jurors leave the jury box, or the court may allow the jury to separate. A motion to separate or sequester shall not be made within the hearing of the jury, and the jury shall not be informed which party, if any, requested the separation or sequestration.

“(b) Admonitions to Jurors. In all cases, the court shall admonish the jurors that they are not:

“(1) To discuss among themselves any subject connected with the trial until the case is submitted to them for deliberation;

“(2) To converse with anyone else on any subject connected with the trial, until they are discharged as jurors in the case;

“(3) To knowingly expose themselves to outside comments or to news accounts of the proceedings, until they are discharged as jurors in the case; or

“(4) To form or express any opinion on the case until it is submitted to them for deliberation.

“If the jurors are permitted to separate, they may also be admonished not to view the place where the offense was allegedly committed.”

IT IS FURTHER ORDERED that the following committee comments be added to the committee comments that presently follow Rule 19.3:

**“Committee Comments to Amendment Effective
December 1, 1997**

“This amendment to Rule 19.3 ensures that the rule conforms to § 12-16-9, Ala. Code 1975, as amended by Act

No. 95-190, 1995 Ala. Acts, which was effective June 15, 1995.”

IT IS FURTHER ORDERED that this amendment and the addition of the comment be effective December 1, 1997.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARMTENT
IN THE SUPREME COURT OF ALABAMA

October 8, 1997

ORDER

IT IS ORDERED that Rule 27.5(a), Alabama Rules of Criminal Procedure, be amended to read as follows:

“(a) Initial Appearance. When a probationer is arrested pursuant to Rule 27.4(b) or Rule 27.4(c), the probation officer shall be notified immediately (unless the officer made the arrest), and the probationer shall be taken without unnecessary delay before the judge who issued the warrant or summons, if available, or, in case of an arrest without a warrant, before the original sentencing judge, if available; otherwise, the probationer shall be taken before another judge of the same district or circuit, who shall

“(1) Inform the probationer of the alleged violation of probation and furnish the probationer with a written copy thereof;

“(2) Inform the probationer that any statement the probationer makes prior to the hearing may be used against the probationer;

“(3) Advise the probationer of his or her right to request counsel and appoint counsel to represent an indigent probationer if the requirements of Rule 27.6(b) are met;

“(4) Set the date of the revocation hearing; and

“(5) Determine whether the probationer is to be released pending the probation revocation hearing or is to be held without bond.

“In cases involving breaches of conditions of probation because of nonpayment of fines, costs, restitution, or other court-ordered assessments, the court, before the probationer is incarcerated, must inquire into the probationer’s financial status and determine whether the probationer is indigent.”

IT IS FURTHER ORDERED that the following committee comments be added to Rule 27.5, Alabama Rules of Criminal Procedure:

**“Committee Comments to Amendment to Rule 27.5(a)
Effective December 1, 1997**

“This amendment to Rule 27.5(a) recognized the fact that the release provisions of Rule 7.2(b) did not adequately address the release of a probationer arrested for a violation of probation conditions and recognizes that the provisions of § 15-13-109, Ala. Code 1975, granting the court the discretion to set bail for a probationer who has been arrested, govern the release of a probationer pending the probation revocation hearing.”

IT IS FURTHER ORDERED that this amendment and the addition of the comment be effective December 1, 1997.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

October 8, 1997

ORDER

IT IS ORDERED that the following Committee Comments be added to Rule 32, Alabama Rules of Criminal Procedure:

“Committee Comments

“In *Cantu v. State*, 660 So.2d 1026 (Ala. 1995), the Alabama Supreme Court clarified its holding in *Ex parte Rivers*, 597 So.2d 1308 (Ala. 1991). The Court in *Cantu* held that the failure of a trial court to properly advise a defendant of the consequences of a guilty plea is not a jurisdictional defect that may be raised at any time, but that it can be raised in a timely filed Rule 32 petition. The Court stated that although the failure to inform a defendant of the proper minimum and maximum sentences that can be imposed is not a jurisdictional defect, such a failure does raise a question of the voluntariness of a guilty plea based on that misinformation. Because the failure goes to the voluntariness of the plea, the plea is subject to collateral challenge, under *Boykin v. Alabama*, 395 U.S. 238, 89 S.Ct. 1729, 23 L.Ed.2d 274 (1969). The Court addressed challenges to the voluntariness of guilty pleas:

“ ‘Even though a defendant could file a motion under the provisions of Rule 14[, Alabama Rules of Criminal Procedure,] to withdraw a plea of guilty and could appeal a trial court’s ruling on the motion, the defendant would not be precluded from raising, in a timely filed post-conviction proceeding, the question of the voluntariness of the plea.’

“660 So.2d at 1029.

“If a trial judge fails to strictly comply with the procedural requirements for the entry of a guilty plea (e.g., fails to properly advise the defendant of the minimum and maximum sentences the defendant could receive), the defendant may seek to withdraw the plea of guilty and give the trial court an opportunity to rule on any alleged error and thereby preserve error in the record for appeal, or the defendant can raise the question of noncompliance in a timely filed post-conviction proceeding.”

IT IS FURTHER ORDERED that these comments be added effective December 1, 1997.

Hooper, C. J., and Maddox, Shores, Houston, Kennedy, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 8th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

October 16, 1997

ORDER

1960579

Mattie B. Harvey v. City of Oneonta, et. al.

(Blount Cir.Ct. No.: CV-96-147)

NOTICE

Appellant(s) granted to and including October 22, 1997, to file reply brief to amicus curiae.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 16th day of October, 1997.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

February 3, 1998

ORDER

IT IS ORDERED that Rule 1(a), Alabama Civil Court Mediation Rules, be amended to read as follows:

“(a) Mediation is an extrajudicial procedure for the resolution of disputes suggested by Rule 16(c) (7), Alabama Rules of Civil Procedure. In some situations, a mediator can assist parties in reaching a settlement of a dispute. Mediation is a process by which the parties submit their dispute to an impartial person – the mediator. The mediator may suggest ways of resolving the dispute, but cannot impose a settlement on the parties.”

IT IS FURTHER ORDERED that this amendment be effective immediately.

Hooper, C. J., and Maddox, Almon, Shores, Houston, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy

of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 5th day of February, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

February 3 1998

ORDER

WHEREAS, the Advisory Committee's Notes to Rule 601, Alabama Rules of Evidence, contain an incorrect Code reference to Alabama's Dead Man's Statute,

IT IS THEREFORE ORDERED that the citation following the second sentence of the third paragraph of the Advisory Committee's Notes to Rule 601, Alabama Rules of Evidence, be corrected to read as follows:

"Ala. Code 1975, § 12-21-163."

IT IS FURTHER ORDERED that this amendment be effective immediately.

Hooper, C. J., and Maddox, Almon, Shores, Houston, Cook, Butts, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 5th day of February, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

February 26, 1998

ORDER

WHEREAS, the Administrative Office of Courts ("AOC") has proposed certain revisions to Appendix B to Rule 20, Alabama Rules of Judicial Administration, "Supreme Court's Extended Schedule of Fines"; and

WHEREAS, Robert B. Leavell, administrator of the Alabama Alcoholic Beverage Control Board, has proposed certain additions to that Extended Schedule of Fines, under the classification "Alcoholic Beverage Control (ABC) Board Offenses"; and

WHEREAS, the Court has considered those proposed revisions and additions to that schedule, and deems it appropriate to make those revisions and additions;

NOW, THEREFORE, IT IS ORDERED that the extended schedule of fines is amended to read in accordance with the appendix to this order.

IT IS FURTHER ORDERED that this amendment shall be effective July 1, 1998.

Maddox, Almon, Shores, Houston, Cook, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 2nd day of April, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

APPENDIX B
SUPREME COURT'S
EXTENDED SCHEDULE OF FINES

CONSERVATION - Game & Fish Code Section or Regulation No.	Offense	Scheduled Fine
9-11-45(d)	Hunting deer or wild turkeys on management areas without management area license	\$ 25 (residents) Not less than 3 times the cost of license (nonresidents) ¹
9-11-51(a)	Hunting without a license (resident)	\$ 25
9-11-51(b)	Hunting without a license (nonresident) ²	Not less than 3 times the cost of the nonresident license
9-11-53(a)	Fishing without a license (resident - ages 16-65)	\$ 50
9-11-55	Fishing without a license (nonresident, 16 years of age or older; annual)	\$ 75
9-11-56	Fishing without a license (nonresident, 16 years of age or older; trip)	\$ 50
9-11-59(a)	Trapping without a license	\$ 100
9-11-59(b)	Trapping without tagged traps	\$ 50
9-11-87	Taking game fish by means other than hook and line, etc.	\$ 100
9-11-91(a)	Fishing without a permit in a private pond (ordinary fishing tackle)	\$ 50
9-11-91(a)	Taking fish from private ponds, without a permit, by seining, netting, dynamiting, or poisoning	\$ 200

¹The cost of a nonresident license for hunting deer and wild turkey on management areas is \$3 plus the cost of the hunting license. See n.2 (§9-11-45(a)).

²The following are the costs of hunting licenses for nonresidents 16 years of age or older:
Small game (except deer and turkey) - annual: \$40 (§9-11-46); trip: \$25 (§9-11-48)
All game - annual: \$200 (§9-11-47); trip: \$75 (§9-11-49).

CONSERVATION - Game & Fish Code Section or Regulation No.	Offense	Scheduled Fine
9-11-91(a)	Taking fish from private ponds, without a permit, by traps, hook and line, or rod and reel	\$ 50
9-11-93	Taking fish from public waters by poisons or explosives	\$ 100
9-11-171	Spearing of commercial or nongame fish without license; spearing game fish	\$ 25
9-11-232	Possession, sale, purchase, etc., of protected wild birds, their eggs, plumage, or any body part	\$ 25
9-11-235	Hunting at night	\$ 1,000
9-11-236	Hunting or possession of game in closed season (small game)	\$ 50
9-11-236	Hunting or possession of game in closed season (deer and wild turkey)	\$ 250
9-11-237	Selling, buying, or offering to sell or buy, any part of game bird or animal without license	\$ 250
9-11-238	Hunting wild turkey with dogs	\$ 50
9-11-241	Hunting/Trapping without a permit (daytime)	\$ 250 (1st Offense) ³
9-11-242	Hunting/Trapping without a permit (nighttime)	\$ 250 (1st Offense) ⁴
9-11-244	Hunting by aid of bait (deer and wild turkey)	\$ 250
9-11-244	Hunting by aid of bait (small game)	\$ 25
9-11-254	Exceeding limit of traps for fur-bearing animals	\$ 25
9-11-257	Hunting from a public road	\$ 250
9-11-266	Failing to check traps within time limit; suspending bait over or within 25 feet of a steel trap	\$ 100

³ For fines and punishment for second and subsequent offenses, see §9-11-241, Ala. Code 1975.

⁴ For fines and punishment for second and subsequent offenses, see §9-11-242, Ala. Code 1975.

CONSERVATION - Game & Fish Code Section or Regulation No.	Offense	Scheduled Fine
32-5-17	Casting a light from a public road (nuisance spotlighting)	\$ 100
220-2-.01	Running dogs during and in area of spring turkey season	\$ 100
220-2-.01	Running deer with dogs during stalk-hunting-only season	\$ 200
220-2-.02	Using illegal firearms or ammunition for hunting	\$ 50
220-2-.02	Hunting migratory game birds with unplugged guns	\$ 50
220-2-.07	Hunting outside of legal hours	\$ 150
220-2-.09	Refusal to submit firearm for inspection	\$ 150
220-2-.10	Possession of firearms while bow hunting	\$ 150
220-2-.11	Hunting from a vehicle, or by other prohibited means	\$ 250
220-2-.11	Using or possessing decoy while turkey hunting	\$ 100
220-2-.12	Refusing to allow inspection of hunting coat, game bag, etc.	\$ 100
220-2-.14	Taking nonbuck deer	\$ 250
220-2-.15	Destroying sex of deer or wild turkey	\$ 200
220-2-.18	Exceeding the bag limit (big game) ⁵	\$ 250
220-2-.18	Exceeding the bag limit (small game) ⁵	\$ 50
220-2-.21	Possession of bow and arrow or firearm on management area without a permit	\$ 25
220-2-.31	Hanging or suspending bait over or within 25 feet of steel trap	\$ 100
220-2-.35	Possession of over the legal creel limit	\$ 75
220-2-.36	Taking fish from public lakes without permit	\$ 25
220-2-.36	Leaving child under 12 years of age unattended fishing	\$ 25

⁵Bag limits are specifically provided in other regulations.

CONSERVATION - Game & Fish Code Section or Regulation No.	Offense	Scheduled Fine
220-2-.44	Taking of fish by prohibited means	\$ 200
220-2-.55	Hunting, etc., on management area without permit	\$ 25
220-2-.55	Possession of loaded firearm in vehicle while on management area	\$ 25
220-2-.85	Failure to wear hunter orange	\$ 50

MARINE SAFETY Code Section or Regulation No.	Offense	Scheduled Fine
33-5-9	Operating vessel without current registration displayed	\$ 10
33-5-22	Operating vessel with improper or no safety devices or lights	\$ 25
33-5-22(d)	Skin divers, no diver flag	\$ 25
33-5-23	Operating vessel with improper muffler	\$ 10
33-5-26(a)	Towing person on skis, etc., without observer at least twelve (12) years of age or without a rearview mirror with a minimum of 78 square inches of viewing surface.	\$ 100
33-5-26(b)	Towing person on skis, etc., between hours of from one hour after sunset to one hour before sunrise	\$ 100
33-5-26(d)	Towing person on skis, etc., so as to cause person to collide with or strike against any object or person	\$ 100
220-6-.02	Rented/leased vessels, lease not on board	\$ 50
220-6-.03	No identification number and no current-year decal on vessel	\$ 50
220-6-.07	Failing to comply with water traffic "rules of the road"	\$ 50
220-6-.08	Operating vessel with improper signal devices	\$ 50
220-6-.09	Operating boat without sufficient lights	\$ 50
220-6-.10	Operating vessel with improper fire extinguisher or no fire extinguisher	\$ 50
220-6-.11	Operating boat with insufficient personal flotation device	\$ 50
220-6-.18	Water skiing with no personal flotation device	\$ 50
220-6-.19	Failure to comply with restrictive signs	\$ 50
220-6-.20	Failure to wear personal flotation device within 800 feet of dam	\$ 50
220-6-.21	Permitting a person under age 12 to operate a vessel	\$ 50

MARINE SAFETY Code Section or Regulation No.	Offense	Scheduled Fine
220-6-22	Operating vessel with no flame arrestor or backfire trap on carburetor	\$ 50
220-6-23	Operating vessel with excessive noise level (86 decibels)	\$ 50
33-5-51(b)	Failure to wear personal flotation device while operating, riding on, or being towed by personal watercraft	\$ 100
33-5-51(c)	Failure to have engine cut-off switch lanyard attached to operator of personal watercraft	\$ 100
33-5-51(d)	Reckless operation of personal watercraft	\$ 150
33-5-51(e)	Person under the age of 12 operating a personal watercraft	\$ 100
33-5-51(f)	Giving permission to operate in violation of §33-5-51	\$ 100
33-5-51(g)	Towing person on personal watercraft without proper rearview mirror	\$ 100
33-5-52(a)	Operating vessel without boater certification	\$ 100
33-5-59	Failure to have certification in possession	\$ 50
33-5-64(b)	Making false affidavit to obtain duplicate certificate	\$ 50

TITLE 13A OFFENSES Code Section	Offense	Scheduled Fine
13A-7-29(a)(4)	Littering highway	\$ 100
13A-8-61,62	Shopping carts: removal, abandonment	\$ 100
13A-8-121	Theft of cable TV services	\$ 200
13A-9-16, -17	Unlawfully using slugs	\$ 100
13A-10-6	Refusing to assist in fire control	\$ 100
13A-11-9	Loitering	\$ 50
13A-11-222	Unlawfully refusing to yield party line	\$ 50
13A-11-223	Falsely requesting use of party line for emergency	\$ 50
13A-11-224	Storing gunpowder in city or town	\$ 100

TRAFFIC OFFENSES Code Section or Regulation No.	Offense	Scheduled Fine
32-5-65	Allowing child under the age of 16 to operate motor vehicle	\$ 50
32-5-75	Shifting load	\$ 25
32-5-76	Spilling load	\$ 25
32-5-210	Improper tires	\$ 20
32-5-211	No red or orange flag or red light or amber strobe light	\$ 20
32-5-214	Improper or no rearview mirror	\$ 20
32-5-222	No child restraints	\$ 10
32-5A-50	Unattended motor vehicle	\$ 25
32-5A-51	Improper backing	\$ 20
32-5A-52	Driving upon sidewalk	\$ 20
32-5A-53	Obstructing driver's view	\$ 20
32-5A-57	Coasting	\$ 20
32-5A-58	Following emergency vehicle	\$ 50
32-5A-59	Crossing a fire hose	\$ 50
32-5A-90	Improper use of divided highway	\$ 30
32-5A-115	Failure to yield to emergency vehicle	\$ 50
32-5A-136	Improper stopping or parking on or in highway	\$ 30
32-5A-137	Blocking highway	\$ 30
32-5A-138	Parking more than 18 inches from curb	\$ 30
32-5A-154	Passing school or church bus	\$ 100
32-5A-216	Hitchhiking	\$ 10
32-6-12(d)	Violating driver's license restriction	\$ 10

TRAFFIC OFFENSES Code Section or Regulation No.	Offense	Scheduled Fine
32-6-51	No tag	\$ 25
32-6-52	Improper tag classification	\$ 25
32-6-155	Switched personalized license plates	\$ 100
32-9-20	Overweight/overheight/overlength truck	\$ 100 (W)(H) & (L)
32-9-29	No permit (width, height, length)	\$ 100
32-9-31	Refusal to weigh	\$ 300
Public Safety Reg. No. 3	Allowing another to use driver's license	\$ 50
	<u>Miscellaneous</u>	
33-15-7(c)	No Bear Creek Development Authority permit	\$ 10

FEDERAL MOTOR CARRIER SAFETY REGULATIONS Regulation No. 49 C.F.R.	Offense	Scheduled Fine
	<u>I. Mechanical Defects</u>	
393.11	Failing to equip vehicle with required lights and reflectors	\$ 50
393.19	Failing to equip vehicle with turn signals	\$ 10
393.24	Failing to equip bus, truck, or truck tractor with two headlamps	\$ 10
393.25	Failing to equip vehicle with operative stop lamps	\$ 10
393.30	Failing to cover storage battery	\$ 50
393.33	Failing to place electrical wires properly	\$ 10
393.42	Failing to equip vehicle with required brakes	\$ 25
393.45	Failing to secure brake hose or tubing against chafing, kinking, or other mechanical damage	\$ 10
393.46	Failing to prevent leaks, constrictions, or other defects in brake hose or tubing connections	\$ 10
393.47	Failing to equip vehicle with adequate brake linings	\$ 10
393.48	Failing to equip vehicle with operative brakes (i.e., devices to use when brakes do not work)	\$ 50
393.51	Failing to equip brake system with warning device	\$ 25
393.52	Failing to have proper braking force	\$ 50
393.60	Failing to conform to glazing windshield requirements	\$ 50
393.65	Failing to place fuel system in right place	\$ 50
393.65	Failing to securely attach fuel tank to motor vehicle	\$ 50
393.67	Failing to equip fuel tank with securely fitted cap	\$ 25

FEDERAL MOTOR CARRIER SAFETY REGULATIONS Regulation No. 49 C.F.R.		Offense	Scheduled Fine
393.67		Failing to equip vehicle with fuel tank free of leaks	\$ 50
393.70		Failing to mount lower half of fifth wheel securely on a truck tractor or converter dolly	\$ 50
393.70		Failing to mount upper half of fifth wheel securely on a truck tractor or converter dolly	\$ 50
393.75		Failing to place proper tires on vehicle	\$ 50
393.78		Failing to place proper windshield wipers on vehicle	\$ 50
393.80		Failing to place proper rearview mirrors on vehicle	\$ 50
393.83		Operating vehicle with improperly located exhaust system	\$ 50
393.83		Gasoline-powered bus with exhaust discharging more than 6" forward of the rearmost part of bus	\$ 50
393.83		Diesel-powered bus with exhaust discharging more than 15' forward of the rearmost part of the bus	\$ 50
393.83		Truck or truck-tractor with exhaust not discharging at rear of cab	\$ 50
393.86		Failing to install bumpers or devices for rear-end protection	\$ 50
393.87		Failing to place red flag on projecting loads	\$ 50
393.92		Failing to post emergency door signs in bus	\$ 25
393.93		Failing to equip vehicle with seat belt for driver	\$ 10
393.95		Failing to equip vehicle with emergency equipment	\$ 50
393.100		Failing to secure cargo properly	\$ 50
393.106		Failing to provide headerboard for vehicle	\$ 25

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FEDERAL MOTOR CARRIER SAFETY REGULATIONS Regulation No. 49 C.F.R.	Offense	Scheduled Fine
	<u>II. Trucking Offenses</u>	
172.205	Offering, transporting, transferring, or delivering hazardous waste without proper manifest	\$ 200
172.205	Failing to have hazardous waste manifest copy dated and signed by carrier and shipper	\$ 150
172.332	Failing to display ID number on placard in conformance with requirements	\$ 150
172.332	Failing to display orange ID panel in conformance with requirements	\$ 150
172.336	Failing to properly display ID number for hazardous material in hazardous class not requiring placards	\$ 200
172.502	Placarding a vehicle that is not transporting a hazardous material	\$ 50
173.3	Transporting hazardous material in an unauthorized cargo tank	\$ 500
177.801	Transporting or accepting shipment of hazardous material not in proper condition for transportation	\$ 500
177.817	Transporting shipment of hazardous material without properly prepared shipping paper	\$ 150
177.817	Failing to maintain proper accessibility of shipping papers	\$ 150
177.823	Failing to placard motor vehicle	\$ 200
177.870	Transporting unauthorized hazardous material in a passenger-carrying vehicle	\$ 500

FEDERAL MOTOR CARRIER SAFETY REGULATIONS Regulation No. 49 C.F.R.		Offense	Scheduled Fine
		<u>III. Driver Qualification</u>	
391.11		Using driver without current valid operator's license/permit	\$ 100
391.41		Failure of driver to possess medical examiner's certificate	\$ 20
		<u>IV. Driving of Motor Vehicles</u>	
392.3		Driver operating vehicle while ill or fatigued	\$ 50
392.9		Driver operating vehicle with an unsafe load	\$ 50
392.14		Driver operating vehicle incautiously during bad weather	\$ 50
392.16		Driver failing to use seat belt	\$ 20
392.20		Driver failing to use parking brake while vehicle unattended	\$ 50
392.60		Transporting unauthorized passengers	\$ 20
		<u>V. Hours of Service</u>	
395.3		Requiring or permitting driver to drive more than 10 hours following 8 consecutive hours off duty	\$ 100
395.3		Requiring or permitting driver to drive after having been on duty 15 hours following 8 consecutive hours off duty	\$ 100
395.3		Driving after having been on duty 60 hours in 7 consecutive days	\$ 100
395.3		Driving after having been on duty 70 hours in any period of 8 consecutive days	\$ 100
395.8		Driver's record of duty status required	\$ 50
395.13		Allowing a driver out of service to operate vehicle	\$ 50

FEDERAL MOTOR CARRIER SAFETY REGULATIONS Regulation No. 49 C.F.R.	Offense	Scheduled Fine
	<u>VI. Inspection and Maintenance</u>	
396.7	Operating a vehicle that is in an unsafe condition	\$ 50
396.11	Failing to certify that repairs were made or were not necessary	\$ 10
396.11	Failing to carry copy of last vehicle inspection report on vehicle to the power unit	\$ 10
396.13	Failing to require driver to sign vehicle inspection report	\$ 10
397.19	Failing to furnish copy of Part 397 Rules to driver of vehicle containing class A or B explosives	\$ 100

REVENUE VIOLATIONS Code Section	Offense	Scheduled Fine
	<u>Revenue Violations</u>	
40-12-260	Having license plates issued to another vehicle	\$ 50
40-12-265	Mutilating/altering tag	\$ 50
40-17-150	Having no fuel identification marker	\$ 25

PUBLIC SERVICE COMMISSION MOTOR CARRIER Reg. No.	Offense	Scheduled Fine
	<u>Public Service Commission Violations</u>	
3.3	Spot lease decal not displayed	\$ 10
3.3	No spot lease decal	\$ 25
3.3	Improper spot lease decal	\$ 10
3.3	No trip lease on/in vehicle	\$ 10
3.3	Trip lease decal removed	\$ 25
3.11	Improper lettering -- taxi	\$ 10
3.21	No form D cab card	\$ 25
3.21	Improper form D cab card	\$ 10
3.21	No state stamp	\$ 25
3.21	Improper state stamp	\$ 10
17.3	Improper lamps, lights, reflectors	\$ 10
17.34	Improper brakes (all axles equipped)	\$ 25
17.53	Exceeding hours, driver	\$ 100
17.58	Improper logbook	\$ 20
17.58	No logbook	\$ 50
17.59	Out-of-service (36 hours late)	\$ 50
17.64	Unsafe operations (cumulative)	\$ 100
17.65	Operating out-of-service vehicle	\$ 100
17.70	Hazardous material, marking	\$ 100
17.220	Unattended vehicle, brakes	\$ 25
17.365	Improper fuel lines	\$ 10

PUBLIC SERVICE COMMISSION MOTOR CARRIER Reg. No.	Offense	Scheduled Fine
17.376	Improper tires	\$ 10
17.378	Improper windshield (cracked)	\$ 50
17.379	Improper windshield wipers	\$ 10
17.380	Improper mirrors	\$ 10
17.381	Improper horn	\$ 10
17.382	Improper speedometer	\$ 10
17.385	No mudflaps on truck	\$ 50
17.385	Missing or improper mudflap on truck	\$ 20
17.390	Improper, inoperative fire extinguisher	\$ 50
17.390	No spare fuses	\$ 20
17.391	Shifting, sifting, or falling cargo	\$ 20
17.391	No tarpaulin	\$ 20
19.2	No APSC registration or state stamp	\$ 20
19.728	Unauthorized driver, employee, or agent	\$ 50
19.728	Other unauthorized driver	\$ 100

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ALCOHOLIC BEVERAGE CONTROL (ABC) BOARD OFFENSES	Offense	Scheduled Fine
28-1-3.1	Possession of alcoholic beverages purchased on a military base in excess of the legal limit	\$ 250
28-3-20	Violation of ABC Board rules and regulations	\$ 250
28-3A-25(a)(3)	Unlawful sale or delivery of alcoholic beverages to a minor by any person, licensee, or the board; unlawful permission by licensee to allow minor to drink, consume, or possess any alcoholic beverage on the licensee's premises	\$ 500 (1st Offense) ⁶
28-3A-25(a)(6)	Refusal by licensee, servants, agents, or employees to allow board, its employees, or any duly commissioned law enforcement officer the right to completely inspect the entire licensed premises during business hours	\$ 300 (1st Offense) ⁶
28-3A-25(a)(13)	Unlawful delivery of alcoholic beverages in vehicles not marked as prescribed by law by any manufacturer, importer, or wholesaler, servant, agent, or employee of the same	\$ 200 (1st Offense) ⁶
28-3A-25(a)(14)	Unlawful sale of alcoholic beverages within a dry county, except in a wet municipality located in a dry county	\$ 250 (1st Offense) ⁶
28-3A-25(a)(15)	Unlawful sale of alcoholic beverages without a license to do so, or to possess alcoholic beverages for sale without a license	\$ 250 (1st Offense) ⁶

⁶ For fines and punishment for subsequent offenses, see §28-3A-25(b)(1), Ala. Code 1975.

ABC BOARD OFFENSES (CONT'D) Code Section	Offense	Scheduled Fine
28-3A-25(a)(20)	Unlawful sale, consumption, etc. of alcoholic beverages on Sunday, after the hour of 2 o'clock a.m., except where authorized by law	\$ 250
28-3A-25(a)(21)	Knowing permission of sale, consumption, etc. of alcoholic beverages on Sunday after the hour of 2 o'clock a.m. by proprietor, keeper, or operator of a public place, except where authorized by law	\$ 250
28-4-20	Unlawful sale, offer for sale, possession, barter, exchange, etc. of prohibited beverages	\$ 250 (1st Offense) ⁷
28-4-200	Unlawful possession of tax-paid alcoholic beverages in a motor vehicle or residence over the quantity allowed by law in a dry county	\$ 250
13A-12-3	Unlawful sale, barter, exchange, etc. of any cigarettes, cigarette tobacco, cigarette paper or any substitute for either of them to a minor	\$ 25
28-11-8	Unlawful sale of any tobacco or tobacco products without first obtaining a permit to do so	\$ 250 (1st Offense) ⁸
28-11-13 ⁹	Unlawful purchase, use, possession, or transport of tobacco or tobacco products by a minor, except as allowed by law	\$ 25

⁷ For fines and punishment for subsequent offenses, see §28-3A-25(b)(2), Ala. Code 1975.

⁸ For fines for subsequent offenses, see §28-11-8, Ala. Code 1975.

⁹Violations of this section are not considered criminal offenses and must be adjudicated administratively by the district or municipal court; therefore, there are no court costs or fees.

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

April, 28, 1998

ORDER

IT IS ORDERED that Rule 20.3(f) (1), Alabama Rules of Criminal Procedure, be amended to read as follows:

“(1) *In General.* No motion for a judgment of acquittal under this Rule 20 shall remain pending in the trial court for more than sixty (60) days after the pronouncement of sentence, except as provided in this section. A failure by the trial court to rule on such a motion within the sixty (60) days allowed by this section shall constitute a denial of the motion as of the sixtieth day; provided, however, that with the express consent of the district attorney and the defendant or the defendant’s attorney, which consent shall appear in the record, the motion may be carried past the sixtieth day to a date certain; if not ruled upon by the trial court as of the date to which the motion is continued, the motion is deemed denied as of that date, unless it has been continued again as provided in this section. The motion may be continued from time to time as provided in this section.”

IT IS FURTHER ORDERED that the following comment be added to the comments following Rule 20.3:

“Comment to Amendment Effective July 1, 1998

“The amendment to Rule 20.3(f)(1) provides that a judgment of acquittal shall be denied by operation of law sixty (60) days after the pronouncement of sentence, rather than sixty (60) days after the filing of the motion. This change makes the time frame for the denial by operation of law of a judgment of acquittal consistent with the time frame for the denial by operation of law of a motion for a new trial and a motion in arrest of judgment. See Rule 24.4.”

IT IS FURTHER ORDERED that this amendment be effective July 1, 1998.

Hooper, C. J., and Maddox, Almon, Shores, Houston, Kennedy, Cook, See, and Lyons, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy

of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 28th day of April, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

April 28, 1998

ORDER

IT IS HEREBY ORDERED that Rule 28, Alabama Rules of Juvenile Procedure, be amended to read as follows:

“RULE 28. APPEALS

“(A) Direct Appeals to Appellate Courts.

“(1) Appeals from final orders, judgments, or decrees of the juvenile court shall be to the appropriate appellate court, subject to the Alabama Rules of Appellate Procedure, if:

“(a) A record certified as adequate by the juvenile court judge or a stipulation of facts is available and the right to a jury trial has been exercised or waived by all parties entitled thereto; or,

“(b) The parties stipulate that only questions of law and are involved and the juvenile court certifies the questions.

“(2) If the appeal provided in this subsection is taken from a final order, judgment, or decree in a case or proceeding arising out of the jurisdiction of the juvenile court over a child, as that term is defined in § 12-15-1(3), Ala. Code 1975, the appropriate appellate court for purposes of the appeal shall be (a) the Court of Criminal Appeals in proceedings in which a child is adjudicated delinquent and proceedings in which a motion seeking an order to transfer a child to the adult court for criminal prosecution is either granted or denied, and (b) the Court of Civil Appeals in any other case or proceeding.

“(B) Appeal to Circuit Court. Appeals from final orders, judgments, or decrees in all other cases, including those cases in which there is not an adequate record as provided in subsection (A) of this rule, shall be to the circuit court for trial de novo and the case shall be heard by a different circuit judge if heard by a circuit judge in the first instance in the juvenile court. The subject of appeal to the circuit court for trial de novo on delinquency cases or cases involv-

ing a child in need of supervision, as that term is defined in § 12-15-1(4), Ala. Code 1975, shall be on the same charge tried in juvenile court; however, no provision of this rule shall be construed to confer the right to a jury trial for a juvenile adjudication appealed to circuit court. The same provisions of law or rule regarding confidentiality of records and proceedings in the juvenile court shall be applicable on appeal de novo to circuit court.

“(C) Notice of Appeal. Written notice of appeal shall be filed within 14 days of the date the judgment, order, or decree appealed from is filed in the clerk’s office, whether the appeal is to an appellate court or to the circuit court for trial de novo.

“(D) Transfer of Appeal. An appellate court or circuit court may transfer an appeal that it determines should have been transferred to or brought in another court to that other court.

“(E) Stay of Order. Except as otherwise provided by these Rules or by statute, an appeal pursuant to this rule shall not stay enforcement of the order, judgment, or decree appealed from, but the court to which the appeal is taken may order otherwise, if suitable provision is made for the care and custody of the child. If the order, judgment, or decree appealed from grants the custody of a child to, or withholds it from, one or more of the parties to the appeal, the appeal shall be heard at the earliest time practicable.”

IT IS FURTHER ORDERED that this amendment shall be effective July 1, 1998.

Hooper, C. J., and Maddox, Shores, Houston, Cook, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 28th day of April, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

April 28, 1998

ORDER

IT IS HEREBY ORDERED that Rule 28, Alabama Rules of Juvenile Procedure, be amended to read as follows:

“RULE 28. APPEALS

“(A) Direct Appeals to Appellate Courts.

“(1) Appeals from final orders, judgments, or decrees of the juvenile court shall be to the appropriate appellate court, subject to the Alabama Rules of Appellate Procedure, if:

“(a) A record certified as adequate by the juvenile court judge or a stipulation of facts is available and the right to a jury trial has been exercised or waived by all parties entitled thereto; or,

“(b) The parties stipulate that only questions of law are involved and the juvenile court certifies the questions.

“(2) If the appeal provided in this subsection is taken from a final order, judgment, or decree in a case or proceeding arising out of the jurisdiction of the juvenile court over a child, as that term is defined in § 12-15-1(3), Ala. Code 1975, the appropriate appellate court for purposes of the appeal shall be (a) the Court of Criminal Appeals in proceedings in which a child is adjudicated delinquent and proceedings in which a motion seeking an order to transfer a child to the adult court for criminal prosecution is either granted or denied, and (b) the Court of Civil Appeals in any other case or proceeding.

“(B) Appeal to Circuit Court. Appeals from final orders, judgments, or decrees in all other cases, including those cases in which there is not an adequate record as provided in subsection (A) of this rule, shall be to the circuit court for trial de novo and the case shall be heard by a different circuit judge if heard by a circuit judge in the first instance in the juvenile court. The subject of an appeal to the circuit court for trial de novo on delinquency cases or cases involving a child in need of supervision, as that term is defined in § 12-15-1(4), Ala. Code 1975, shall be on the same charge tried in juvenile court; however, no provision of this rule shall be construed to confer the right to a jury trial for a juvenile adjudication appealed to circuit court. The same provisions of law or rule regarding confidentiality of records and proceedings in the juvenile court shall be applicable on appeal de novo to circuit court.

“(C) Notice of Appeal. Written notice of appeal shall be filed within 14 days of the date the judgment, order, or decree appealed from is filed in the clerk's office, whether the appeal is to an appellate court or to the circuit court for trial de novo.

“(D) Transfer of Appeal. An appellate court or circuit court may transfer an appeal that it determines should have been transferred to or brought in another court to that other court.

“(E) Stay of Order. Except as otherwise provided by these Rules or by statute, an appeal pursuant to this rule shall not stay

enforcement of the order, judgment, or decree appealed from, but the court to which the appeal is taken may order otherwise, if suitable provision is made for the care and custody of the child. If the order, judgment, or decree appealed from grants the custody of a child to, or withholds it from, one or more of the parties to the appeal, the appeal shall be heard at the earliest time practicable.”

IT IS FURTHER ORDERED that this amendment shall be effective July 1, 1998.

Hooper, C. J., and Maddox, Shores, Houston, Cook, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 28th day of April, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

April 28, 1998

ORDER

IT IS HEREBY ORDERED that Rule 20, Alabama Rules of Juvenile Procedure, be amended to read as follows:

“RULE 20. RECORD OF PROCEEDINGS

“(A) A record of all testimony shall be kept by stenographic reporting, by mechanical or electronic device, or by some combination thereof. Exhibits and other tangible evidence shall be preserved by the party offering the exhibits or the evidence, unless otherwise directed by the court. The record shall be preserved until the time for taking an appeal has expired.

“(B) Testimony shall be transcribed by the person designated by the juvenile court judge; it shall be transcribed only upon order of the court or upon the request of any party at the party’s own expense. The transcript shall be certified as directed by the court or as required by the Alabama Rules of Appellate Procedure.

“(C) In the event of an appeal pursuant to Rule 28(A) (1) in a case in which the testimony has been recorded by mechanical or electronic devices, the juvenile court judge may request the assistance of the presiding circuit judge in determining the appropriate

person to transcribe the record for purposes of providing a certified record on appeal.

“(D) The person designated to transcribe the proceedings shall be entitled to be paid the transcript fees provided in Rule 29, Alabama Rules of Judicial Administration.”

IT IS FURTHER ORDERED that this amendment shall be effective July 1, 1998.

Hooper, C. J., and Maddox, Almon, Houston, Cook, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 28th day of April, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

April 28, 1998

ORDER

IT IS ORDERED that Canon 7.B.(4) (b), Alabama Canons of Judicial Ethics, is amended to read as follows:

“(b) Contributions to a judge’s or a candidate’s campaign shall be neither solicited nor accepted more than one year prior to the election in which the candidate participates as a candidate for judicial office or more than 120 days after that election.”

IT IS FURTHER ORDERED that this amendment shall be effective July 1, 1998.

Maddox, Almon, Shores, Houston, Kennedy, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 28th day of April, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

April 28, 1998

ORDER

IT IS HEREBY ORDERED that Rule 30.3, Alabama Rules of Criminal Procedure, be amended to read as follows:

**“RULE 30.3. NOTICE AND PERFECTION
OF APPEAL; BOND ON APPEAL.**

“(a) Notice of Appeal. A defendant may appeal from a final, judgment in a criminal case entered by a municipal or a district court for trial de novo in the circuit court by filing with the clerk of the municipal or the district court a written notice of appeal within fourteen (14) days from the date of pronouncement of sentence or the date of denial of a timely filed post-trial motion, whichever is later. Notice of appeal shall be served on the prosecuting attorney by the appellant or the appellant’s attorney; provided, however, that notification to the prosecuting attorney shall not be a jurisdictional prerequisite for perfecting an appeal.

“(b) Perfecting Appeal. An appeal from the municipal or the district court for trial de novo in the circuit court shall be perfected by the timely filing of a written notice of appeal and the posting of a new bond in an amount fixed by the municipal or district judge, conditioned upon the defendant’s appearance before the circuit court, as well as the payment of all costs incurred in the municipal or the district court and on appeal in the circuit court; provided, however, that the court may authorize the defendant’s release on the defendant’s personal recognizance without any undertaking relating to, or deposit of security in lieu of, an appearance and cost bond.

“A defendant sentenced to imprisonment and not released from custody on bond or personal recognizance may obtain release pending an appeal at any time by filing a bond approved by the municipal or the district court. If the defendant remains in custody, the prosecutor shall so notify the circuit court clerk, and the case shall be set for trial at the earliest practical time.

“(c) Appeal to Appellate Court. An appeal from the district or the municipal court to the Court of Criminal Appeals or the Supreme Court as provided in rule 30.2 is perfected by filing with the clerk of the district or the municipal court a notice of appeal within forty-two (42) days from the date of pronouncement of sentence or the date of denial of a timely filed post-trial motion, whichever is later.”

IT IS FURTHER ORDERED that the following comment be added to the committee comments following Rule 30.3:

“Comment to Amendment Effective July 1, 1998

“This amendment changed the running of time within which to file a notice of appeal from the date of judgment to the date sentence is pronounced and deleted subparagraph (d), ‘Appearance Bond on Appeal.’”

IT IS FURTHER ORDERED that this amendment and the adoption of the comment shall be effective July 1, 1998.

Hooper, C. J., and Maddox, Almon, Shores, Houston, Cook, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 28th day of April, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

**THE STATE OF ALABAMA – JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA**

April 30, 1998

ORDER

IT IS ORDERED that Rule 32.1, “Child Support Information Sheet,” Alabama Rules of Judicial Administration, and the comment thereto, are hereby adopted to read in accordance with the appendix to this order.

IT IS FURTHER ORDERED that the adoption of this rule and the comment shall be effective July 1, 1998.

Maddox, Almon, Shores, Houston, Cook, and See, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 30th day of April, 1998.

ROBERT G. ESDALE,
Clerk, Supreme Court of Alabama

APPENDIX

Rule 32.1. Child Support Information Sheet

This rule, as adopted effective July 1, 1998, shall apply to all filings made on or after July 1, 1998.

A "child support information sheet" (see the form attached as an appendix to this rule), shall accompany the filing of each complaint, petition, answer, or motion to intervene in a divorce action, an action seeking to establish or to modify child support, or an action to determine paternity. Each party, or if the party is represented by counsel, the party's attorney, shall complete the child support information sheet and print his or her name and daytime telephone number in the spaces provided at the bottom of the sheet before filing it with the court. However, the failure to file the child support information sheet when the complaint, petition, answer, or motion to intervene is filed shall not affect the validity of the action or the date of the commencement of the action.

If the complaint, petition, answer, or motion to intervene is presented to the clerk of the court without a properly completed child support information sheet, the clerk shall accept the complaint, petition, answer, or motion to intervene and inform the person filing it of the requirements of this rule, and each party, or, if a party is represented by counsel, then the party's attorney, shall promptly file a completed child support information sheet.

If a party fails to comply with the requirements of this rule, the court in which the action is pending may make such orders as it believes are just, including issuing an order staying the proceedings until the child support information sheet is filed, or, after proper notice, dismissing the action; and, in lieu of any other orders, or in addition to any orders, the court may treat the failure to comply with the requirements of this rule as contempt of court.

Comment

This rule was drafted to comply with the Child Support Reform Act of 1997, codified at § 30-3-190, et seq., Ala. Code 1975. The child support information sheet will allow the Department of Human Resources to maintain a central repository of case information. The child support information sheet must be filed by both parties in all divorce actions, even those in which the parties have no minor children. In that event, the parties would check the "Not applicable" block on the child support information sheet.

State of Alabama Unified Judicial System Form CS-47 Rev. 7/98	<i>Appendix to Rule 32.1</i> CHILD SUPPORT INFORMATION SHEET	Case Number _____
--	--	-------------------

IN THE _____	COURT OF _____	ALABAMA
(Circuit or District)		(Name of County)

Plaintiff _____	v.	Defendant _____
-----------------	----	-----------------

Information Concerning the Parties :

___ Not applicable. No minor child(ren) a party to or subject to this action.

Plaintiff (Mother, Father, Other _____) or Other Party (Specify) (_____)	Defendant (Mother, Father, Other _____) or Other Party (Specify) (_____)
---	---

Address (including city, state, and zip code): _____	Address (including city, state, and zip code): _____
_____	_____
_____	_____

Home Telephone No.: (_____) _____	Home Telephone No.: (_____) _____
-----------------------------------	-----------------------------------

Social Security No.: _____	Social Security No.: _____
Date of Birth: _____	Date of Birth: _____

Sex: _____	Sex: _____
------------	------------

Place of Employment (if applicable) and Address of Employer (including city, state, and zip code): _____	Place of Employment (if applicable) and Address of Employer (including city, state, and zip code): _____
_____	_____
_____	_____

Work Telephone No.: (_____) _____	Work Telephone No.: (_____) _____
-----------------------------------	-----------------------------------

Information Concerning the Minor Child(ren):

Name(s)	Address(es)	Sex(es)	Date(s) of Birth	Social Security Number(s)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

THE CHILD SUPPORT REFORM ACT OF 1997, CODIFIED AT §30-3-190, ET SEQ., ALA. CODE 1975, REQUIRES THAT THE DEPARTMENT OF HUMAN RESOURCES MAINTAIN THE ABOVE INFORMATION IN THE RECORD FOR ALL PARTIES IN DOMESTIC RELATIONS, SUPPORT, OR PATERNITY ACTIONS. THIS INCLUDES GRANDPARENTS OR OTHERS WHO MAY EITHER INITIATE AN ACTION OR INTERVENE IN AN EXISTING ACTION.

Completed By: _____	Date Completed: _____
(Print Name)	
	Daytime Phone No.: (_____) _____

BASIC VALUES

MALE

6.00%

MALE

AGE NEAR BIRTHDAY 1980, CSO						
AGE	L_x	d_x	$1000q_x$	e_x	v^x	AGE
0	10 020 000	41 800	4.18	70.83	1.000 000	0
1	9 956 200	10 655	1.07	70.13	.943 396	1
2	9 947 485	9 738	.99	69.20	.889 996	2
3	9 937 697	9 432	.95	68.27	.836 619	3
4	9 927 958	9 127	.90	67.34	.782 093	4
5	9 918 126	8 822	.86	66.40	.728 175	5
6	9 908 539	8 522	.85	65.46	.674 960	6
7	9 901 077	7 821	.76	64.52	.625 057	7
8	9 883 156	7 519	.75	63.57	.572 412	8
9	9 878 322	7 315	.74	62.62	.523 898	9
10	9 871 111	7 601	.77	61.66	.478 394	10
11	9 865 126	8 284	.85	60.71	.436 969	11
12	9 853 510	9 757	1.00	59.75	.398 839	12
13	9 845 369	11 322	1.15	58.80	.364 288	13
14	9 834 047	13 079	1.33	57.86	.332 400	14
15	9 820 968	14 830	1.51	56.93	.302 813	15
16	9 806 138	16 376	1.67	55.09	.275 364	16
17	9 789 762	17 426	1.81	53.23	.250 243	17
18	9 772 336	18 177	1.86	51.37	.227 155	18
19	9 754 159	18 533	1.90	49.50	.206 804	19
20	9 735 606	18 595	1.91	47.64	.188 155	20
21	9 717 031	18 365	1.89	45.77	.171 505	21
22	9 697 988	18 340	1.88	43.90	.156 757	22
23	9 678 903	17 104	1.77	42.04	.143 809	23
24	9 659 626	16 617	1.72	40.18	.132 543	24
25	9 640 007	16 466	1.71	38.32	.122 740	25
26	9 619 903	16 342	1.70	36.46	.114 315	26
27	9 599 408	16 410	1.71	34.60	.107 222	27
28	9 578 998	16 573	1.73	32.74	.101 313	28
29	9 558 126	16 663	1.75	30.88	.096 454	29
30	9 536 402	17 470	1.83	29.02	.092 588	30
31	9 514 332	18 208	1.91	27.16	.089 659	31
32	9 491 711	20 028	2.11	25.30	.087 608	32
33	9 471 159	21 777	2.30	23.44	.086 479	33
34	9 450 466	22 581	2.40	21.58	.086 298	34
35	9 427 785	24 324	2.58	19.72	.086 077	35
36	9 403 023	26 066	2.78	17.86	.085 811	36
37	9 377 225	28 319	3.02	16.00	.085 504	37
38	9 349 768	30 568	3.26	14.14	.085 159	38
39	9 318 148	33 173	3.56	12.28	.084 778	39
40	9 284 975	35 933	3.87	10.42	.084 354	40
41	9 249 842	38 742	4.19	8.56	.083 889	41
42	9 210 269	41 807	4.55	6.70	.083 386	42
43	9 168 895	45 038	4.92	4.84	.082 847	43
44	9 123 274	48 536	5.32	2.98	.082 274	44
45	9 074 738	52 059	5.74	1.12	.081 668	45
46	9 022 641	55 491	6.15	-0.74	.081 031	46
47	8 966 618	60 166	6.71	-2.60	.080 364	47
48	8 906 452	65 077	7.30	-4.46	.079 668	48
49	8 841 435	70 378	7.96	-6.32	.078 944	49
50	8 771 057	76 396	8.71	-8.18	.078 192	50
51	8 694 661	83 121	9.55	-10.04	.077 422	51
52	8 611 540	90 163	10.47	-11.90	.076 634	52
53	8 521 377	97 655	11.46	-13.76	.075 828	53
54	8 423 722	105 212	12.49	-15.62	.075 004	54
55	8 318 510	113 049	13.59	-17.48	.074 162	55
56	8 205 481	121 195	14.77	-19.34	.073 302	56
57	8 084 266	129 895	16.08	-21.20	.072 424	57
58	7 954 271	139 518	17.54	-23.06	.071 528	58
59	7 814 783	149 965	19.19	-24.92	.070 614	59
60	7 664 788	161 420	21.06	-26.78	.069 682	60
61	7 502 358	173 882	23.12	-28.64	.068 732	61
62	7 329 740	186 322	25.42	-30.50	.067 764	62
63	7 143 418	198 944	27.85	-32.36	.066 778	63
64	6 944 174	211 740	30.40	-34.22	.065 774	64
65	6 733 084	223 471	33.19	-36.08	.064 752	65
66	6 509 613	235 453	36.17	-37.94	.063 712	66
67	6 274 502	247 810	39.33	-39.80	.062 654	67
68	6 028 268	260 937	42.68	-41.66	.061 578	68
69	5 775 311	274 918	46.24	-43.52	.060 484	69
70	5 515 613	289 026	52.64	-45.38	.059 372	70
71	5 250 587	302 660	58.19	-47.24	.058 242	71
72	4 984 907	314 461	64.19	-49.10	.057 094	72
73	4 718 446	323 341	70.53	-50.96	.055 928	73
74	4 451 105	328 195	77.12	-52.82	.054 744	74
75	4 183 489	328 936	83.90	-54.68	.053 542	75
76	3 915 553	328 012	81.05	-56.54	.052 322	76
77	3 647 441	323 658	86.84	-58.40	.051 084	77
78	3 379 885	317 161	107.48	-60.26	.049 828	78
79	3 111 724	308 804	117.25	-62.12	.048 554	79
80	2 843 970	298 194	126.26	-63.98	.047 262	80
81	2 576 726	284 248	140.25	-65.84	.045 952	81
82	2 309 478	266 512	152.95	-67.70	.044 624	82
83	2 042 226	245 143	186.09	-69.56	.043 278	83
84	1 774 978	220 994	179.55	-71.42	.041 924	84
85	1 507 730	195 170	193.27	-73.28	.040 562	85
86	1 240 482	168 871	207.29	-75.14	.039 192	86
87	973 234	143 218	224.77	-77.00	.037 814	87
88	706 986	118 100	236.98	-78.86	.036 428	88
89	440 738	97 191	253.45	-80.72	.035 034	89
90	174 490	76 800	284.55	-82.58	.033 632	90
91	208 381	61 660	295.90	-84.44	.032 222	91
92	146 721	48 412	323.96	-86.30	.030 804	92
93	80 504	37 005	400.20	-88.16	.029 378	93
94	31 757	25 638	550.00	-90.02	.027 944	94
95	10 757	10 757	1000.00	-91.88	.026 502	95

EXPLANATION OF MORTALITY TABLE SYMBOLS

l_x = number of people living at age x according to this mortality table

d_x = number of people dying during year from age x to $x+1$ according to this mortality table.

q_x = probability of a person dying in the year according to this mortality table.

e_x = complete expectation of life by this mortality table = average future lifetime of this group of lives age x by this mortality table.

$v^x = \frac{1}{(1+i)^x}$ = present value of \$1 discounted x year at $i\%$ per year. Here, the interest rate is 6%.

TABLE 16
1983 TABLE Q— 1,000px

Age	Males	Females	Age	Males	Females	Age	Males	Females
5	0.377	0.194	45	2.399	1.122	85	90.987	65.518
6	0.350	0.160	46	2.693	1.231	86	99.122	73.493
7	0.333	0.134	47	3.009	1.356	87	107.577	82.318
8	0.332	0.134	48	3.343	1.499	88	116.316	92.017
9	0.368	0.136	49	3.694	1.657	89	125.394	102.491
10	0.382	0.141	50	4.057	1.830	90	134.887	113.605
11	0.394	0.147	51	4.431	2.016	91	144.873	125.227
12	0.405	0.155	52	4.812	2.215	92	155.429	137.222
13	0.415	0.165	53	5.198	2.426	93	166.629	149.462
14	0.425	0.175	54	5.591	2.650	94	178.537	161.834
15	0.435	0.183	55	5.994	2.891	95	191.214	174.228
16	0.446	0.201	56	6.409	3.151	96	204.721	186.535
17	0.458	0.214	57	6.839	3.432	97	219.120	198.646
18	0.472	0.229	58	7.299	3.739	98	234.735	211.102
19	0.488	0.244	59	7.782	4.081	99	251.889	224.445
20	0.505	0.260	60	8.338	4.467	100	270.906	239.215
21	0.525	0.276	61	8.983	4.908	101	292.111	255.953
22	0.546	0.293	62	9.740	5.413	102	315.826	275.201
23	0.570	0.311	63	10.630	5.990	103	342.377	297.500
24	0.596	0.330	64	11.664	6.633	104	372.086	323.390
25	0.622	0.349	65	12.851	7.336	105	402.272	351.414
26	0.650	0.368	66	14.199	8.090	106	442.277	381.111
27	0.677	0.387	67	15.717	8.888	107	483.406	423.023
28	0.704	0.405	68	17.414	9.731	108	528.989	473.692
29	0.731	0.423	69	19.296	10.653	109	579.351	525.658
30	0.759	0.441	70	21.371	11.697	110	634.814	584.462
31	0.786	0.460	71	23.647	12.905	111	695.704	650.646
32	0.814	0.479	72	26.131	14.319	112	762.343	724.750
33	0.843	0.499	73	28.835	15.980	113	835.056	807.316
34	0.876	0.521	74	31.794	17.909	114	914.167	898.883
35	0.917	0.545	75	35.046	20.127	115	1000.000	1000.000
36	0.968	0.574	76	38.631	22.654			
37	1.032	0.607	77	42.587	25.509			
38	1.114	0.646	78	46.951	28.717			
39	1.216	0.691	79	51.755	32.328			
40	1.341	0.742	80	57.026	36.395			
41	1.492	0.801	81	62.791	40.975			
42	1.673	0.867	82	69.081	46.121			
43	1.886	0.942	83	75.908	51.889			
44	2.129	1.026	84	83.230	58.336			

BASIC VALUES

FEMALE

6.00%

FEMALE

AGE NEAR BIRTHDAY
1980 CSO

AGE x	l_x	d_x	$1000q_x$	e_x	v^x	AGE x
0	10 000 000	28 900	2.89	75.83	1.000 000 00	0
1	9 971 100	8 675	.87	75.04	.943 395 23	1
2	9 962 425	8 070	.81	74.11	.889 995 44	2
3	9 954 355	7 864	.79	73.17	.839 619 28	3
4	9 946 491	7 554	.77	72.23	.792 093 66	4
5	9 938 832	7 250	.73	71.28	.747 359 17	5
6	9 931 278	7 145	.72	70.34	.704 960 54	6
7	9 924 028	6 942	.70	69.39	.665 057 11	7
8	9 916 883	6 838	.69	68.44	.627 412 37	8
9	9 909 841	6 734	.68	67.48	.591 998 46	9
10	9 902 103	6 628	.67	66.53	.559 494 78	10
11	9 894 669	6 528	.66	65.58	.528 787 53	11
12	9 887 421	6 417	.65	64.62	.499 969 36	12
13	9 880 355	6 300	.64	63.67	.468 839 02	13
14	9 873 469	6 177	.63	62.71	.444 300 86	14
15	9 866 752	6 053	.62	61.76	.417 265 06	15
16	9 860 204	5 928	.60	60.82	.393 646 08	16
17	9 853 825	5 803	.59	59.87	.372 364 42	17
18	9 847 606	5 677	.58	58.93	.353 343 79	18
19	9 841 547	5 551	.57	57.98	.330 513 01	19
20	9 835 648	5 425	.56	57.04	.311 804 73	20
21	9 829 899	5 300	.55	56.10	.294 155 40	21
22	9 824 299	5 175	.54	55.16	.277 505 10	22
23	9 818 848	5 050	.53	54.22	.261 797 06	23
24	9 813 547	4 925	.52	53.28	.246 978 55	24
25	9 808 395	4 800	.51	52.34	.232 998 83	25
26	9 803 392	4 675	.50	51.40	.219 919 53	26
27	9 798 538	4 550	.49	50.46	.207 687 95	27
28	9 793 833	4 425	.48	49.52	.196 330 34	28
29	9 789 278	4 300	.47	48.59	.184 856 74	29
30	9 784 873	4 175	.46	47.65	.174 110 13	30
31	9 780 518	4 050	.45	46.71	.164 154 84	31
32	9 776 213	3 925	.44	45.78	.154 957 40	32
33	9 771 958	3 800	.43	44.84	.146 466 84	33
34	9 767 753	3 675	.42	43.91	.137 811 53	34
35	9 763 598	3 550	.41	42.98	.130 105 22	35
36	9 759 493	3 425	.40	42.04	.122 349 31	36
37	9 755 438	3 300	.39	41.12	.115 793 18	37
38	9 751 433	3 175	.38	40.20	.109 338 78	38
39	9 747 478	3 050	.37	39.28	.103 055 52	39
40	9 743 573	2 925	.36	38.36	.097 222 19	40
41	9 739 718	2 800	.35	37.46	.091 185 06	41
42	9 735 913	2 675	.34	36.55	.085 527 40	42
43	9 732 158	2 550	.33	35.65	.080 099 08	43
44	9 728 453	2 425	.32	34.77	.074 869 08	44
45	9 724 798	2 300	.31	33.88	.069 850 07	45
46	9 721 193	2 175	.30	33.00	.065 007 81	46
47	9 717 638	2 050	.30	32.12	.060 368 31	47
48	9 714 133	1 925	.29	31.25	.055 988 44	48
49	9 710 678	1 800	.28	30.39	.051 845 16	49
50	9 707 273	1 675	.27	29.53	.047 915 44	50
51	9 703 918	1 550	.26	28.67	.044 283 36	51
52	9 700 613	1 425	.25	27.82	.040 918 45	52
53	9 697 358	1 300	.24	26.98	.037 793 56	53
54	9 694 153	1 175	.23	26.14	.034 901 47	54
55	9 691 008	1 050	.22	25.31	.032 271 15	55
56	9 687 913	925	.21	24.49	.029 877 71	56
57	9 684 868	800	.20	23.67	.027 689 19	57
58	9 681 873	675	.19	22.86	.025 681 19	58
59	9 678 928	550	.18	22.05	.023 834 34	59
60	9 676 033	425	.17	21.25	.022 133 20	60
61	9 673 188	300	.16	20.44	.020 569 43	61
62	9 670 393	175	.15	19.65	.019 133 65	62
63	9 667 648	50	.14	18.86	.017 819 28	63
64	9 664 953	0	.13	18.08	.016 619 50	64
65	9 662 308	0	.12	17.32	.015 529 28	65
66	9 659 713	0	.11	16.57	.014 545 64	66
67	9 657 168	0	.10	15.83	.013 663 41	67
68	9 654 673	0	.09	15.10	.012 880 59	68
69	9 652 228	0	.08	14.37	.012 193 27	69
70	9 649 843	0	.07	13.67	.011 596 92	70
71	9 647 518	0	.06	12.97	.011 096 20	71
72	9 645 243	0	.05	12.27	.010 689 24	72
73	9 643 018	0	.04	11.60	.010 369 54	73
74	9 640 843	0	.03	10.95	.010 132 08	74
75	9 638 718	0	.02	10.32	.009 976 11	75
76	9 636 643	0	.01	9.71	.009 886 41	76
77	9 634 618	0	.01	9.12	.009 859 02	77
78	9 632 643	0	.00	8.55	.009 891 13	78
79	9 630 718	0	.00	8.01	.009 976 28	79
80	9 628 843	0	.00	7.48	.009 111 13	80
81	9 627 018	0	.00	6.98	.008 917 13	81
82	9 625 243	0	.00	6.49	.008 412 38	82
83	9 623 518	0	.00	6.03	.007 936 21	83
84	9 621 843	0	.00	5.58	.007 488 99	84
85	9 620 218	0	.00	5.18	.007 063 20	85
86	9 618 643	0	.00	4.80	.006 663 40	86
87	9 617 118	0	.00	4.43	.006 286 22	87
88	9 615 643	0	.00	4.09	.005 930 40	88
89	9 614 218	0	.00	3.77	.005 594 02	89
90	9 612 843	0	.00	3.45	.005 278 02	90
91	9 611 518	0	.00	3.15	.004 979 28	91
92	9 610 243	0	.00	2.85	.004 697 43	92
93	9 609 018	0	.00	2.55	.004 431 54	93
94	9 607 843	0	.00	2.24	.004 180 70	94
95	9 606 718	0	.00	1.93	.003 944 00	95
96	9 605 643	0	.00	1.56	.003 720 81	96
97	9 604 618	0	.00	1.21	.003 510 19	97
98	9 603 643	0	.00	1.00	.003 311 51	98
99	9 602 718	0	.00	.50	.003 124 06	99

9002

(94)

EXPLANATION OF MORTALITY TABLE SYMBOLS

 1_x = number of people living at age x according to this mortality table. d_x = number of people dying during year from age x to $x+1$ according to this mortality table. q_x = probability of a person dying in the year according to this mortality table. e_x = complete expectation of life by this mortality table = average future lifetime of this group of lives age x by this mortality table. $v^x = \frac{1}{(1+i)^x}$ = present value of \$1 discounted x year at $i\%$ per year. Here, the interest rate is 6%.

Present Value of an Annuity
Payable At End of Month
\$100.00 per Month

		Effective Annual Interest Rate										
Year	Month	2.00%	2.50%	3.00%	3.50%	4.00%	4.50%	5.00%	5.50%	6.00%	Month	Year
1	1	99.84	99.79	99.75	99.71	99.67	99.63	99.59	99.55	99.52	1	1
	2	199.51	199.38	199.26	199.14	199.02	198.90	198.78	198.67	198.55	2	2
	3	299.01	298.77	298.53	298.29	298.05	297.81	297.57	297.34	297.10	3	3
	4	398.35	397.95	397.55	397.15	396.75	396.35	395.96	395.57	395.18	4	4
	5	497.53	496.93	496.32	495.72	495.13	494.53	493.93	493.36	492.78	5	5
	6	596.55	595.70	594.85	594.02	593.18	592.36	591.54	590.72	589.91	6	6
	7	695.40	694.27	693.15	692.03	690.92	689.82	688.73	687.65	686.57	7	7
	8	794.09	792.64	791.19	789.76	788.34	786.93	785.53	784.14	782.76	8	8
	9	892.61	890.80	889.00	887.22	885.44	883.68	881.94	880.20	878.48	9	9
	10	990.98	988.78	986.97	984.39	982.23	980.08	977.95	975.84	973.74	10	10
	11	1,089.18	1,086.53	1,083.90	1,081.29	1,078.70	1,076.13	1,073.58	1,071.05	1,068.54	11	11
	12	1,187.22	1,183.09	1,179.00	1,174.95	1,170.93	1,166.92	1,162.94	1,158.98	1,155.04	12	12
2	13	1,285.09	1,281.45	1,277.83	1,274.25	1,270.69	1,267.16	1,263.65	1,260.20	1,256.76	13	2
	14	1,382.81	1,378.61	1,374.44	1,370.31	1,366.22	1,362.16	1,358.14	1,354.15	1,350.19	14	14
	15	1,480.37	1,475.57	1,470.81	1,466.10	1,461.43	1,456.81	1,452.22	1,447.67	1,443.17	15	15
	16	1,577.76	1,572.33	1,566.95	1,561.62	1,556.34	1,551.11	1,545.92	1,540.78	1,535.69	16	16
	17	1,674.99	1,668.89	1,662.85	1,656.86	1,650.93	1,645.06	1,639.24	1,633.48	1,627.77	17	17
	18	1,772.07	1,765.26	1,758.51	1,751.83	1,745.22	1,738.67	1,732.18	1,725.76	1,719.40	18	18
	19	1,868.98	1,861.42	1,853.94	1,846.53	1,839.20	1,831.94	1,824.75	1,817.63	1,810.59	19	19
	20	1,965.73	1,957.39	1,949.13	1,940.96	1,932.87	1,924.87	1,916.94	1,909.10	1,901.33	20	20
	21	2,062.33	2,053.16	2,044.09	2,035.12	2,026.24	2,017.45	2,008.76	2,000.15	1,991.64	21	21
	22	2,158.76	2,148.73	2,138.82	2,129.00	2,119.30	2,109.70	2,100.20	2,090.80	2,081.50	22	22
	23	2,255.04	2,244.11	2,233.31	2,222.62	2,212.06	2,201.61	2,191.27	2,181.05	2,170.94	23	23
	24	2,351.15	2,339.29	2,327.57	2,315.98	2,304.51	2,293.18	2,281.98	2,270.89	2,259.94	24	24
3	25	2,447.11	2,434.28	2,421.60	2,409.06	2,396.67	2,384.42	2,372.31	2,360.34	2,348.51	25	3
	26	2,542.91	2,529.07	2,515.39	2,501.88	2,488.52	2,475.32	2,462.28	2,449.39	2,436.64	26	26
	27	2,638.55	2,623.66	2,608.96	2,594.43	2,580.07	2,565.89	2,551.88	2,538.04	2,524.36	27	27
	28	2,734.04	2,718.07	2,702.29	2,686.71	2,671.33	2,656.13	2,641.12	2,626.29	2,611.64	28	28
	29	2,829.37	2,812.27	2,795.40	2,778.74	2,762.29	2,746.04	2,730.00	2,714.16	2,698.51	29	29
	30	2,924.54	2,906.29	2,888.27	2,870.50	2,852.95	2,835.62	2,818.52	2,801.53	2,784.65	30	30
	31	3,019.55	3,000.11	2,980.92	2,961.99	2,943.31	2,924.87	2,906.67	2,888.71	2,870.98	31	31
	32	3,114.41	3,093.73	3,073.34	3,053.23	3,033.38	3,013.80	2,994.47	2,975.41	2,956.59	32	32
	33	3,209.11	3,187.17	3,165.54	3,144.20	3,123.16	3,102.40	3,081.92	3,061.72	3,041.78	33	33
	34	3,303.65	3,280.41	3,257.50	3,234.91	3,212.64	3,190.67	3,169.01	3,147.64	3,126.56	34	34
	35	3,398.04	3,373.46	3,349.24	3,325.37	3,301.83	3,278.62	3,255.74	3,233.18	3,210.93	35	35
	36	3,492.27	3,466.32	3,440.76	3,415.56	3,390.73	3,366.25	3,342.13	3,318.34	3,294.90	36	36
4	37	3,586.35	3,558.99	3,532.05	3,505.50	3,479.34	3,453.56	3,428.16	3,403.13	3,378.45	37	4
	38	3,680.27	3,651.47	3,623.11	3,595.18	3,567.66	3,540.55	3,513.84	3,487.53	3,461.60	38	38
	39	3,774.03	3,743.76	3,713.95	3,684.60	3,655.69	3,627.22	3,599.18	3,571.56	3,544.35	39	39
	40	3,867.65	3,835.86	3,804.57	3,773.76	3,743.44	3,713.58	3,684.17	3,655.21	3,626.70	40	40
	41	3,961.10	3,927.77	3,894.96	3,862.67	3,830.89	3,799.61	3,768.82	3,738.50	3,708.64	41	41
	42	4,054.41	4,019.49	3,985.13	3,951.33	3,918.07	3,885.33	3,853.12	3,821.41	3,790.20	42	42
	43	4,147.56	4,111.02	4,075.08	4,039.73	4,004.96	3,970.74	3,937.08	3,903.95	3,871.35	43	43
	44	4,240.56	4,202.39	4,164.81	4,127.88	4,091.56	4,055.84	4,020.70	3,986.13	3,952.11	44	44
	45	4,333.40	4,293.52	4,254.32	4,215.78	4,177.88	4,140.62	4,103.98	4,067.94	4,032.49	45	45
	46	4,426.09	4,384.49	4,343.61	4,303.42	4,263.93	4,225.10	4,186.92	4,149.38	4,112.47	46	46
	47	4,518.63	4,475.27	4,432.67	4,390.82	4,349.69	4,309.26	4,269.53	4,230.46	4,192.06	47	47
	48	4,611.01	4,565.87	4,521.52	4,477.96	4,435.17	4,393.12	4,351.80	4,311.19	4,271.27	48	48
5	49	4,703.24	4,656.27	4,610.15	4,564.86	4,520.37	4,476.61	4,433.73	4,391.55	4,350.10	49	5
	50	4,795.32	4,746.50	4,698.57	4,651.50	4,605.29	4,559.91	4,515.34	4,471.55	4,428.54	50	50
	51	4,887.25	4,836.53	4,786.76	4,737.90	4,689.94	4,642.85	4,596.61	4,551.20	4,506.61	51	51
	52	4,979.03	4,926.39	4,874.74	4,824.05	4,774.31	4,725.48	4,677.55	4,630.50	4,584.20	52	52
	53	5,070.65	5,016.06	4,962.50	4,909.96	4,858.40	4,807.81	4,758.17	4,709.44	4,661.60	53	53
	54	5,162.13	5,105.54	5,050.04	4,995.61	4,942.22	4,889.84	4,838.45	4,788.03	4,738.54	54	54
	55	5,253.45	5,194.84	5,137.37	5,081.03	5,025.77	4,971.58	4,918.42	4,866.26	4,815.10	55	55
	56	5,344.62	5,283.95	5,224.49	5,166.20	5,109.04	5,053.01	4,998.05	4,944.15	4,891.29	56	56
	57	5,435.65	5,372.89	5,311.39	5,251.12	5,192.05	5,134.14	5,077.37	5,021.70	4,967.11	57	57
	58	5,526.52	5,461.64	5,398.08	5,335.80	5,274.78	5,214.98	5,156.36	5,098.90	5,042.57	58	58
	59	5,617.24	5,550.20	5,484.55	5,420.24	5,357.24	5,295.52	5,235.03	5,175.76	5,117.66	59	59
	60	5,707.81	5,638.59	5,570.81	5,504.44	5,439.43	5,375.76	5,313.38	5,252.27	5,192.38	60	60

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Present Value of an Annuity
Payable At End of Month
\$100.00 per Month

		Effective Annual Interest Rate											
Year	Month	2.00%	2.50%	3.00%	3.50%	4.00%	4.50%	5.00%	5.50%	6.00%	Month	Year	
6	61	5.798 24	5.726 79	5.656 86	5.588 39	5.521 36	5.455 71	5.391 42	5.328 44	5.266 75	61	6	
	62	5.888 51	5.814 82	5.742 70	5.672 11	5.603 02	5.535 37	5.469 14	5.404 28	5.340 75	62		
	63	5.978 64	5.902 66	5.828 32	5.755 59	5.684 41	5.614 74	5.546 54	5.479 77	5.414 39	63		
	64	6.068 62	5.990 32	5.913 74	5.838 81	5.765 53	5.693 81	5.623 63	5.554 93	5.487 68	64		
	65	6.158 44	6.077 80	5.998 94	5.921 82	5.846 39	5.772 90	5.702 40	5.629 75	5.560 92	65		
	66	6.248 12	6.165 10	6.083 94	6.004 58	5.926 99	5.851 10	5.775 87	5.704 25	5.633 20	66		
	67	6.337 66	6.252 22	6.168 72	6.087 11	6.007 32	5.929 31	5.853 02	5.778 41	5.705 43	67		
	68	6.427 06	6.339 18	6.253 30	6.169 40	6.087 39	6.007 23	5.928 87	5.852 24	5.777 30	68		
	69	6.516 28	6.425 93	6.337 67	6.251 45	6.167 20	6.084 87	6.004 40	5.925 74	5.848 83	69		
	70	6.605 37	6.512 51	6.421 83	6.333 27	6.245 75	6.162 23	6.079 64	5.998 92	5.920 06	70		
	71	6.694 32	6.598 92	6.505 79	6.414 85	6.326 04	6.239 30	6.154 56	6.071 77	5.990 96	71		
	72	6.783 11	6.685 15	6.589 54	6.496 20	6.405 07	6.316 09	6.228 07	6.144 29	6.061 35	72		
7	73	6.871 76	6.771 20	6.673 08	6.577 32	6.483 85	6.392 60	6.303 50	6.216 49	6.131 51	73	7	
	74	6.960 27	6.857 08	6.756 42	6.658 20	6.562 36	6.468 83	6.377 52	6.288 37	6.201 32	74		
	75	7.048 03	6.942 78	6.839 55	6.738 86	6.640 62	6.544 78	6.451 24	6.359 93	6.270 80	75		
	76	7.136 84	7.028 30	6.922 47	6.819 28	6.718 63	6.620 45	6.524 85	6.431 17	6.339 94	76		
	77	7.224 91	7.113 65	7.005 20	6.899 47	6.796 38	6.695 84	6.597 77	6.502 10	6.408 74	77		
	78	7.312 83	7.198 82	7.087 72	6.979 43	6.873 88	6.770 96	6.670 60	6.572 71	6.477 22	78		
	79	7.400 51	7.283 81	7.170 03	7.059 17	6.951 12	6.845 80	6.743 12	6.643 00	6.545 36	79		
	80	7.488 24	7.368 64	7.252 15	7.138 67	7.028 11	6.920 37	6.815 36	6.712 98	6.613 17	80		
	81	7.575 73	7.453 28	7.334 06	7.217 95	7.104 85	6.994 67	6.887 30	6.782 65	6.680 65	81		
	82	7.663 07	7.537 76	7.415 77	7.291 00	7.181 34	7.068 59	6.958 95	6.852 91	6.747 80	82		
	83	7.750 27	7.622 06	7.497 28	7.375 83	7.257 58	7.142 44	7.030 30	6.921 06	6.814 63	83		
	84	7.837 33	7.706 18	7.578 59	7.454 43	7.333 58	7.215 93	7.101 37	6.989 61	6.881 14	84		
8	85	7.924 24	7.790 14	7.659 70	7.532 80	7.409 32	7.289 14	7.172 15	7.058 25	6.947 32	85	8	
	86	8.011 01	7.873 92	7.740 81	7.610 95	7.484 82	7.362 09	7.242 64	7.126 38	7.013 18	86		
	87	8.097 63	7.957 53	7.821 32	7.688 88	7.560 07	7.434 76	7.312 85	7.194 21	7.078 73	87		
	88	8.184 12	8.040 96	7.901 83	7.766 58	7.635 07	7.507 18	7.382 77	7.261 74	7.143 96	88		
	89	8.270 46	8.124 23	7.982 15	7.846 06	7.709 83	7.579 32	7.452 41	7.328 96	7.208 87	89		
	90	8.356 66	8.207 32	8.062 26	7.921 32	7.784 35	7.651 21	7.521 77	7.395 89	7.273 46	90		
	91	8.442 71	8.290 25	8.142 18	7.998 36	7.858 62	7.722 83	7.590 84	7.462 52	7.337 74	91		
	92	8.528 63	8.373 00	8.221 90	8.075 17	7.932 65	7.794 19	7.659 63	7.528 85	7.401 72	92		
	93	8.614 40	8.455 58	8.301 43	8.151 77	8.006 44	7.865 28	7.728 15	7.594 89	7.465 38	93		
	94	8.700 03	8.538 00	8.380 76	8.228 15	8.079 99	7.936 12	7.796 38	7.650 64	7.528 73	94		
	95	8.785 52	8.620 24	8.459 90	8.304 31	8.153 30	8.006 70	7.864 34	7.726 09	7.591 78	95		
	96	8.870 67	8.702 31	8.538 84	8.380 25	8.226 37	8.077 01	7.932 03	7.791 25	7.654 52	96		
9	97	8.956 08	8.784 22	8.617 58	8.455 97	8.299 20	8.147 08	7.999 44	7.856 12	7.716 96	97	9	
	98	9.041 15	8.865 96	8.696 14	8.531 48	8.371 79	8.216 88	8.066 57	7.920 70	7.779 09	98		
	99	9.126 07	8.947 53	8.774 50	8.606 77	8.444 14	8.286 43	8.133 44	7.984 99	7.840 93	99		
	100	9.210 95	9.028 93	8.852 86	8.681 85	8.516 26	8.355 72	8.200 03	8.049 00	7.902 46	100		
	101	9.295 51	9.107 16	8.930 64	8.758 71	8.588 15	8.424 16	8.266 35	8.112 12	7.963 70	101		
	102	9.380 02	9.191 23	9.008 42	8.831 35	8.659 80	8.493 55	8.332 40	8.176 16	8.024 54	102		
	103	9.464 39	9.272 13	9.086 01	8.905 78	8.731 22	8.562 09	8.398 19	8.239 32	8.085 28	103		
	104	9.548 62	9.352 87	9.163 41	8.980 00	8.802 40	8.630 37	8.463 71	8.302 19	8.145 63	104		
	105	9.632 71	9.433 44	9.240 62	9.054 01	8.874 35	8.698 41	8.526 96	8.361 49	8.202 69	105		
	106	9.716 66	9.513 84	9.317 64	9.127 81	8.944 07	8.766 19	8.593 94	8.424 10	8.265 46	106		
	107	9.800 47	9.594 08	9.394 47	9.201 39	9.014 56	8.833 73	8.658 67	8.484 14	8.324 94	107		
	108	9.884 15	9.674 15	9.471 12	9.274 76	9.084 82	8.901 02	8.723 13	8.549 09	8.384 13	108		
10	109	9.966 69	9.754 36	9.554 75	9.354 93	9.154 86	8.968 07	8.787 33	8.612 39	8.443 03	109	10	
	110	10.051 09	9.837 80	9.635 83	9.430 88	9.224 65	9.034 86	8.851 27	8.673 51	8.501 65	110		
	111	10.134 35	9.913 38	9.709 91	9.493 52	9.284 22	9.101 42	8.914 95	8.734 55	8.559 98	111		
	112	10.217 47	9.992 80	9.787 80	9.566 16	9.363 57	9.187 73	8.997 37	8.817 22	8.638 03	112		
	113	10.300 46	10.072 05	9.865 15	9.638 49	9.432 69	9.233 80	9.041 53	8.851 62	8.655 80	113		
	114	10.383 31	10.151 14	9.942 02	9.712 01	9.501 58	9.296 62	9.104 44	8.915 75	8.733 29	114		
	115	10.466 03	10.230 07	10.020 35	9.792 53	9.570 25	9.365 21	9.167 26	8.975 52	8.790 50	115		
	116	10.548 50	10.308 83	10.077 50	9.854 24	9.638 70	9.430 55	9.229 43	9.035 21	8.847 44	116		
	117	10.631 05	10.381 44	10.152 46	9.925 74	9.706 92	9.495 06	9.291 63	9.094 54	8.904 10	117		
	118	10.713 35	10.459 38	10.225 24	9.991 04	9.769 84	9.550 52	9.343 53	9.143 61	8.950 48	118		
	119	10.795 62	10.544 16	10.301 83	10.068 13	9.842 69	9.625 15	9.415 17	9.212 42	9.015 59	119		
	120	10.877 56	10.622 28	10.376 24	10.139 03	9.912 25	9.689 55	9.474 56	9.270 96	9.072 43	120		

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Present Value of an Annuity
Payable At End of Month
\$100.00 per Month

Effective Annual Interest Rate												
Year	Month	2.00%	2.50%	3.00%	3.50%	4.00%	4.50%	5.00%	5.50%	6.00%	Month	Year
11	121	10 959.48	10 700.24	10 450.47	10 209.72	9 977.59	9 753.70	9 537.70	9 329.24	9 128.00	121	11
	122	11 041.22	10 778.04	10 524.51	10 280.20	10 044.70	9 812.62	9 588.60	9 367.27	9 163.30	122	
	123	11 122.85	10 855.68	10 598.37	10 350.49	10 111.50	9 881.31	9 659.24	9 445.03	9 238.33	123	
	124	11 204.35	10 933.16	10 672.05	10 420.57	10 178.28	9 944.77	9 719.64	9 502.54	9 293.10	124	
	125	11 285.71	11 010.48	10 745.55	10 490.45	10 244.74	10 007.99	9 779.80	9 559.79	9 347.60	125	
	126	11 366.93	11 087.64	10 818.87	10 560.14	10 310.99	10 070.98	9 839.71	9 616.19	9 401.83	126	
	127	11 448.03	11 164.54	10 892.01	10 629.62	10 377.01	10 133.74	9 899.38	9 673.53	9 455.81	127	
	128	11 528.98	11 241.49	10 964.96	10 698.90	10 442.83	10 196.27	9 959.81	9 730.02	9 509.52	128	
	129	11 609.81	11 318.17	11 037.74	10 767.99	10 508.42	10 258.57	10 017.99	9 786.26	9 566.97	129	
	130	11 690.50	11 394.70	11 110.34	10 836.88	10 575.81	10 320.65	10 078.94	9 842.25	9 616.16	130	
	131	11 771.06	11 471.07	11 182.76	10 905.57	10 638.98	10 382.49	10 135.64	9 897.99	9 669.10	131	
	132	11 851.49	11 547.29	11 255.00	10 974.06	10 703.94	10 444.11	10 194.11	9 953.48	9 721.78	132	
13	133	11 931.78	11 623.35	11 327.07	11 047.36	10 768.68	10 505.51	10 252.34	10 008.72	9 774.20	133	12
	134	12 011.94	11 699.25	11 398.95	11 110.47	10 833.22	10 566.68	10 310.34	10 063.72	9 826.37	134	
	135	12 091.97	11 774.99	11 470.66	11 178.37	10 897.54	10 627.62	10 368.10	10 118.47	9 883.29	135	
	136	12 171.87	11 850.58	11 542.20	11 246.09	10 961.96	10 688.35	10 425.62	10 172.98	9 937.95	136	
	137	12 251.63	11 926.02	11 613.56	11 313.61	11 025.56	10 748.85	10 482.91	10 227.25	9 981.37	137	
	138	12 331.27	12 001.30	11 684.74	11 380.93	11 089.26	10 809.12	10 539.97	10 281.27	10 033.54	138	
	139	12 410.77	12 075.42	11 755.75	11 448.07	11 152.75	10 869.18	10 596.80	10 335.06	10 083.45	139	
	140	12 490.14	12 151.39	11 826.58	11 515.01	11 216.03	10 929.02	10 653.39	10 388.60	10 134.13	140	
	141	12 569.38	12 226.21	11 897.24	11 581.76	11 279.10	10 988.64	10 709.76	10 441.91	10 184.55	141	
	142	12 648.49	12 300.87	11 967.72	11 648.32	11 341.97	11 048.04	10 765.90	10 494.98	10 234.73	142	
	143	12 727.47	12 375.38	12 038.03	11 714.69	11 404.64	11 107.22	10 821.81	10 547.81	10 284.67	143	
	144	12 806.32	12 449.73	12 108.17	11 780.86	11 467.10	11 166.19	10 877.49	10 600.41	10 334.37	144	
15	145	12 885.04	12 523.94	12 178.13	11 846.85	11 529.35	11 224.94	10 932.95	10 652.78	10 383.83	145	13
	146	12 963.63	12 597.99	12 247.93	11 912.65	11 591.41	11 283.47	10 988.18	10 704.91	10 433.94	146	
	147	13 042.09	12 671.88	12 317.55	11 976.27	11 653.26	11 341.80	11 043.19	10 756.81	10 482.02	147	
	148	13 120.42	12 745.63	12 387.00	12 043.69	11 714.91	11 399.90	11 097.98	10 808.47	10 530.76	148	
	149	13 198.62	12 819.22	12 456.28	12 108.93	11 776.35	11 457.80	11 152.54	10 859.91	10 579.27	149	
	150	13 276.70	12 892.67	12 529.39	12 173.98	11 837.60	11 515.48	11 206.96	10 911.12	10 627.54	150	
	151	13 354.64	12 965.96	12 594.33	12 238.84	11 898.65	11 572.95	11 261.01	10 962.10	10 675.57	151	
	152	13 432.45	13 039.10	12 663.10	12 303.52	11 959.49	11 630.21	11 314.91	11 012.85	10 723.38	152	
	153	13 510.14	13 112.09	12 731.70	12 368.01	12 020.14	11 687.25	11 368.59	11 063.38	10 770.95	153	
	154	13 587.70	13 184.93	12 800.13	12 432.32	12 080.59	11 744.11	11 422.05	11 115.68	10 818.29	154	
	155	13 665.13	13 257.63	12 868.39	12 496.44	12 140.85	11 800.74	11 475.30	11 163.79	10 865.40	155	
	156	13 742.43	13 330.17	12 936.49	12 560.38	12 200.91	11 857.17	11 528.34	11 213.62	10 912.28	156	
17	157	13 819.61	13 402.56	13 004.41	12 624.14	12 260.77	11 913.39	11 581.15	11 263.25	10 958.94	157	14
	158	13 896.86	13 474.80	13 072.17	12 687.71	12 320.43	11 969.40	11 633.75	11 312.67	11 005.37	158	
	159	13 973.58	13 546.90	13 138.77	12 751.11	12 379.92	12 025.21	11 688.14	11 361.86	11 051.58	159	
	160	14 050.37	13 618.85	13 207.20	12 814.32	12 435.18	12 080.82	11 738.32	11 410.83	11 097.56	160	
	161	14 127.04	13 690.65	13 274.46	12 877.35	12 498.27	12 136.22	11 790.29	11 459.59	11 143.32	161	
	162	14 203.58	13 762.30	13 341.55	12 940.20	12 557.16	12 191.42	11 847.04	11 508.13	11 188.86	162	
	163	14 280.00	13 833.80	13 408.48	13 002.87	12 615.96	12 246.42	11 893.58	11 544.92	11 200.16	163	
	164	14 356.29	13 905.16	13 475.25	13 065.36	12 674.36	12 301.21	11 944.92	11 604.56	11 279.27	164	
	165	14 432.45	13 975.37	13 541.85	13 127.67	12 732.68	12 355.81	11 996.05	11 652.45	11 324.15	165	
	166	14 508.49	14 045.44	13 608.29	13 189.80	12 790.81	12 410.20	12 046.96	11 700.13	11 368.81	166	
	167	14 584.40	14 115.36	13 674.67	13 251.76	12 848.74	12 464.40	12 097.68	11 747.50	11 413.26	167	
	168	14 660.19	14 189.13	13 740.68	13 313.54	12 906.49	12 518.39	12 148.18	11 794.86	11 457.49	168	
18	169	14 735.85	14 259.76	13 806.63	13 375.14	12 964.05	12 572.19	12 198.49	11 841.91	11 501.50	169	15
	170	14 811.39	14 330.24	13 872.41	13 436.56	13 021.42	12 625.80	12 248.58	11 888.74	11 545.31	170	
	171	14 886.80	14 400.57	13 938.04	13 497.81	13 078.60	12 679.20	12 298.48	11 935.37	11 588.90	171	
	172	14 962.09	14 470.77	14 003.50	13 558.89	13 135.60	12 732.41	12 348.17	11 981.79	11 632.28	172	
	173	15 037.25	14 540.82	14 068.81	13 619.79	13 192.41	12 785.43	12 397.66	12 028.01	11 675.45	173	
	174	15 112.30	14 610.72	14 133.95	13 680.51	13 249.04	12 838.25	12 446.95	12 074.02	11 728.41	174	
	175	15 187.23	14 680.48	14 198.46	13 741.06	13 305.48	12 890.88	12 496.04	12 123.92	11 781.16	175	
	176	15 262.01	14 750.10	14 263.75	13 801.44	13 361.74	12 943.32	12 544.93	12 155.42	11 803.70	176	
	177	15 336.58	14 819.57	14 328.41	13 861.64	13 417.81	12 995.56	12 593.52	12 210.82	11 846.04	177	
	178	15 411.23	14 888.90	14 392.92	13 921.88	13 473.70	13 047.61	12 642.12	12 256.01	11 888.18	178	
	179	15 485.85	14 958.79	14 457.26	13 981.54	13 529.41	13 099.47	12 690.41	12 301.07	11 939.49	179	
	180	15 559.95	15 027.14	14 521.45	14 041.73	13 584.94	13 151.15	12 738.52	12 345.80	11 971.83	180	

Present Value of an Annuity
Payable At End of Month
\$100.00 per Month

Effective Annual Interest Rate												
Year	Month	2.00%	2.50%	3.00%	3.50%	4.00%	4.50%	5.00%	5.50%	6.00%	Month	Year
15	181	15,534.13	15,096.04	14,585.48	14,100.74	13,640.28	13,202.63	12,786.42	12,390.39	12,013.36	181	16
	182	15,708.19	15,154.81	14,649.35	14,150.09	13,695.45	13,253.92	12,834.13	12,434.79	12,054.58	182	
	183	15,782.12	15,233.43	14,713.06	14,219.27	13,750.43	13,305.88	12,881.65	12,478.99	12,095.80	183	
	184	15,855.94	15,301.91	14,776.62	14,278.28	13,805.24	13,355.95	12,928.98	12,522.99	12,136.73	184	
	185	15,929.63	15,370.25	14,840.02	14,337.12	13,859.86	13,406.68	12,976.11	12,566.79	12,177.45	185	
	186	16,003.20	15,438.45	14,903.26	14,395.79	13,914.11	13,457.23	13,023.05	12,610.40	12,217.98	186	
	187	16,076.64	15,506.51	14,966.35	14,454.29	13,968.58	13,507.59	13,069.81	12,653.82	12,258.31	187	
	188	16,149.97	15,574.43	15,029.28	14,512.63	14,022.88	13,557.77	13,116.37	12,697.04	12,298.45	188	
	189	16,223.18	15,642.21	15,092.06	14,575.80	14,076.59	13,607.76	13,162.74	12,740.07	12,338.39	189	
	190	16,296.26	15,709.85	15,154.69	14,638.80	14,130.33	13,657.57	13,208.93	12,792.91	12,378.14	190	
	191	16,369.23	15,777.35	15,217.16	14,696.64	14,183.90	13,707.20	13,254.93	12,825.56	12,417.70	191	
17	192	16,442.07	15,844.71	15,279.47	14,744.31	14,237.29	13,756.65	13,300.74	12,868.02	12,457.06	192	
	193	16,514.80	15,911.63	15,341.64	14,801.81	14,290.51	13,805.52	13,345.36	12,910.28	12,496.23	193	17
	194	16,587.40	15,978.02	15,403.65	14,859.15	14,343.55	13,855.00	13,391.80	12,952.37	12,535.22	194	
	195	16,659.89	16,045.97	15,465.51	14,916.33	14,396.42	13,903.91	13,437.06	12,994.26	12,574.01	195	
	196	16,732.25	16,112.78	15,527.21	14,973.34	14,449.12	13,952.63	13,482.13	13,035.97	12,612.62	196	
	197	16,804.50	16,179.45	15,588.77	15,030.19	14,501.64	14,001.18	13,527.02	13,077.49	12,651.04	197	
	198	16,876.62	16,245.99	15,650.17	15,086.68	14,554.00	14,049.55	13,571.73	13,118.82	12,689.28	198	
	199	16,948.63	16,312.39	15,711.42	15,143.40	14,606.18	14,097.75	13,616.25	13,159.98	12,727.33	199	
	200	17,020.52	16,378.65	15,772.52	15,199.77	14,658.19	14,145.76	13,660.60	13,200.95	12,765.19	200	
	201	17,092.29	16,444.77	15,833.47	15,255.97	14,710.04	14,193.60	13,704.16	13,241.73	12,802.87	201	
	202	17,163.94	16,510.77	15,894.27	15,312.01	14,761.11	14,241.27	13,748.75	13,282.34	12,840.37	202	
18	203	17,235.48	16,576.62	15,954.92	15,367.89	14,813.21	14,288.76	13,752.56	13,322.76	12,877.69	203	
	204	17,306.89	16,642.34	16,015.42	15,423.61	14,864.55	14,336.08	13,836.19	13,363.01	12,914.82	204	
	205	17,378.19	16,707.92	16,075.78	15,479.17	14,915.72	14,382.38	13,879.64	13,403.07	12,951.78	205	18
	206	17,449.37	16,773.37	16,135.98	15,534.57	14,966.72	14,432.20	13,922.91	13,442.96	12,988.96	206	
	207	17,520.44	16,838.69	16,196.04	15,589.82	15,017.56	14,477.68	13,966.01	13,462.67	13,025.16	207	
	208	17,591.38	16,903.87	16,255.95	15,644.90	15,068.23	14,523.62	14,008.94	13,522.20	13,061.58	208	
	209	17,662.21	16,968.92	16,315.71	15,699.83	15,118.74	14,570.08	14,051.98	13,561.96	13,097.83	209	
	210	17,732.93	17,033.83	16,375.32	15,754.60	15,169.08	14,616.37	14,094.27	13,600.14	13,131.90	210	
	211	17,803.52	17,098.61	16,434.79	15,809.21	15,219.25	14,662.49	14,136.68	13,639.75	13,169.79	211	
	212	17,874.00	17,163.26	16,494.11	15,863.67	15,269.27	14,708.44	14,178.91	13,678.58	13,205.51	212	
	213	17,944.37	17,227.77	16,553.28	15,917.97	15,319.11	14,754.22	14,220.97	13,717.24	13,241.06	213	
	214	18,014.61	17,292.15	16,612.31	15,972.12	15,368.80	14,799.83	14,262.86	13,755.73	13,276.44	214	
19	215	18,084.74	17,356.40	16,671.20	16,026.11	15,418.33	14,845.28	14,304.58	13,794.05	13,311.64	215	
	216	18,154.76	17,420.52	16,729.94	16,079.94	15,467.69	14,890.56	14,345.14	13,832.19	13,346.68	216	
	217	18,224.66	17,484.50	16,788.53	16,133.62	15,516.89	14,935.67	14,387.52	13,870.17	13,381.54	217	19
	218	18,294.45	17,548.35	16,846.98	16,187.15	15,565.93	14,980.62	14,428.74	13,907.98	13,416.24	218	
	219	18,364.12	17,612.08	16,905.29	16,240.53	15,614.81	15,025.41	14,469.78	13,945.62	13,450.76	219	
	220	18,433.67	17,675.67	16,963.45	16,293.75	15,663.53	15,070.03	14,510.67	13,983.09	13,485.12	220	
	221	18,503.11	17,739.13	17,021.47	16,346.82	15,712.10	15,114.48	14,551.38	14,020.40	13,519.32	221	
	222	18,572.44	17,802.48	17,079.29	16,399.74	15,760.50	15,156.78	14,591.93	14,057.53	13,553.35	222	
	223	18,641.65	17,865.66	17,137.09	16,452.50	15,808.75	15,202.91	14,632.32	14,094.51	13,587.21	223	
	224	18,710.75	17,928.73	17,194.68	16,505.12	15,856.84	15,246.88	14,672.54	14,131.32	13,620.91	224	
	225	18,779.73	17,991.67	17,252.13	16,557.58	15,904.77	15,290.69	14,712.60	14,167.96	13,654.45	225	
	226	18,848.60	18,054.48	17,308.44	16,609.96	15,952.54	15,334.34	14,752.50	14,204.44	13,687.82	226	
20	227	18,917.36	18,117.16	17,366.81	16,662.06	16,000.16	15,377.83	14,792.23	14,240.76	13,721.03	227	
	228	18,986.00	18,179.71	17,423.64	16,714.08	16,047.63	15,421.16	14,831.80	14,276.92	13,754.08	228	
	229	19,054.53	18,242.14	17,480.53	16,765.95	16,094.94	15,464.33	14,871.22	14,312.92	13,786.98	229	20
	230	19,122.95	18,304.43	17,537.28	16,817.96	16,142.08	15,507.34	14,910.47	14,348.75	13,819.71	230	
	231	19,191.25	18,366.60	17,593.89	16,869.24	16,189.09	15,550.20	14,949.56	14,384.43	13,852.28	231	
	232	19,259.44	18,428.64	17,650.36	16,920.66	16,235.94	15,592.90	14,988.50	14,419.95	13,884.70	232	
	233	19,327.52	18,490.55	17,706.69	16,971.93	16,282.64	15,635.44	15,027.28	14,455.31	13,916.95	233	
	234	19,395.49	18,552.34	17,762.88	17,023.06	16,329.18	15,677.83	15,065.99	14,490.51	13,949.06	234	
	235	19,463.34	18,613.99	17,818.93	17,074.04	16,375.54	15,720.06	15,104.36	14,525.56	13,981.01	235	
	236	19,531.09	18,675.53	17,874.85	17,124.88	16,421.81	15,762.14	15,142.56	14,560.45	14,012.80	236	
	237	19,598.72	18,736.93	17,930.63	17,175.57	16,467.90	15,804.06	15,180.82	14,595.18	14,044.43	237	
	238	19,666.24	18,798.21	17,986.27	17,226.12	16,513.83	15,845.83	15,218.81	14,629.76	14,075.29	238	
20	239	19,733.65	18,859.36	18,041.77	17,276.52	16,559.62	15,887.45	15,256.98	14,654.19	14,107.25	239	
	240	19,800.94	18,920.39	18,097.14	17,326.77	16,605.26	15,928.91	15,294.34	14,698.46	14,138.43	240	

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Present Value of an Annuity
Payable At End of Month
\$100.00 per Month

		Effective Annual Interest Rate											
Year	Month	2.00%	2.50%	3.00%	3.50%	4.00%	4.50%	5.00%	5.50%	6.00%		Month	Year
21	241	19 868 13	18 981 29	18 152 37	17 375 89	16 650 75	15 970 22	15 331 98	14 732 58	14 169 46		241	21
	242	19 935 20	19 042 07	18 207 46	17 426 86	16 696 09	16 011 39	15 366 26	14 766 55	14 200 34		242	
	243	20 002 17	19 102 12	18 262 42	17 475 68	16 741 29	16 052 40	15 400 37	14 800 37	14 231 07		243	
	244	20 069 02	19 163 25	18 317 25	17 526 37	16 786 33	16 093 26	15 443 58	14 834 04	14 261 65		244	
	245	20 135 77	19 223 65	18 371 94	17 575 91	16 831 23	16 133 97	15 480 51	14 867 55	14 292 08		245	
	246	20 202 40	19 283 93	18 426 49	17 625 31	16 875 98	16 174 53	15 517 29	14 900 92	14 322 37		246	
	247	20 268 83	19 344 08	18 480 92	17 674 46	16 920 99	16 214 94	15 553 32	14 934 14	14 352 51		247	
	248	20 335 34	19 404 11	18 535 20	17 723 68	16 965 05	16 255 21	15 590 40	14 967 21	14 382 50		248	
	249	20 401 65	19 464 02	18 589 36	17 772 66	17 009 37	16 295 32	15 626 74	15 000 13	14 412 35		249	
	250	20 467 84	19 523 80	18 643 38	17 821 49	17 053 54	16 335 30	15 662 92	15 032 91	14 442 05		250	
22	251	20 533 93	19 583 47	18 697 26	17 870 19	17 097 56	16 375 12	15 698 96	15 065 54	14 471 81		251	
	252	20 599 91	19 643 00	18 751 02	17 918 75	17 141 45	16 414 86	15 734 86	15 098 03	14 501 02		252	
	253	20 665 77	19 702 42	18 804 64	17 967 17	17 185 19	16 454 33	15 770 61	15 130 37	14 530 30		253	
	254	20 731 53	19 761 71	18 858 13	18 015 45	17 228 79	16 493 72	15 806 21	15 162 57	14 559 43		254	
	255	20 797 19	19 820 89	18 911 49	18 063 59	17 272 24	16 532 97	15 841 67	15 194 62	14 588 42		255	
	256	20 862 73	19 879 94	18 964 72	18 111 59	17 315 45	16 572 07	15 876 99	15 226 53	14 617 27		256	
	257	20 928 16	19 938 87	19 017 82	18 159 46	17 358 73	16 611 02	15 912 16	15 258 30	14 645 98		257	
	258	20 993 49	19 997 67	19 070 78	18 207 19	17 401 76	16 649 84	15 947 19	15 289 93	14 674 55		258	
	259	21 058 71	20 056 36	19 123 62	18 254 78	17 444 85	16 688 51	15 982 07	15 321 42	14 702 98		259	
	260	21 123 82	20 114 93	19 176 33	18 302 33	17 487 40	16 727 04	16 016 82	15 352 77	14 731 27		260	
23	261	21 188 83	20 173 37	19 228 90	18 349 55	17 530 01	16 765 43	16 051 42	15 383 97	14 759 43		261	
	262	21 253 13	20 231 70	19 281 35	18 396 74	17 572 48	16 803 68	16 085 89	15 415 04	14 787 45		262	
	263	21 318 52	20 289 91	19 333 67	18 443 79	17 614 82	16 841 79	16 120 21	15 445 97	14 815 34		263	
	264	21 383 20	20 347 99	19 385 86	18 490 70	17 657 01	16 879 76	16 154 40	15 476 77	14 843 09		264	
	265	21 447 78	20 405 96	19 437 92	18 537 48	17 699 07	16 917 59	16 188 44	15 507 42	14 870 71		265	
	266	21 512 25	20 463 81	19 489 85	18 584 13	17 740 99	16 955 29	16 222 35	15 537 94	14 898 19		266	
	267	21 576 61	20 521 54	19 541 65	18 630 64	17 782 77	16 992 84	16 256 12	15 568 32	14 925 54		267	
	268	21 640 87	20 579 15	19 593 33	18 677 02	17 824 42	17 030 26	16 289 76	15 598 57	14 952 75		268	
	269	21 705 03	20 636 54	19 644 88	18 723 37	17 865 93	17 067 54	16 323 25	15 628 68	14 979 84		269	
	270	21 769 07	20 694 01	19 696 31	18 769 39	17 907 31	17 104 68	16 356 61	15 658 66	15 006 79		270	
24	271	21 833 03	20 751 27	19 747 50	18 815 37	17 948 55	17 141 69	16 389 84	15 688 51	15 033 62		271	
	272	21 896 85	20 808 41	19 798 77	18 861 22	17 989 66	17 178 56	16 422 93	15 718 22	15 060 31		272	
	273	21 960 58	20 865 43	19 849 82	18 906 94	18 030 63	17 215 30	16 455 89	15 747 80	15 086 87		273	
	274	22 024 20	20 922 33	19 900 74	18 952 53	18 071 47	17 251 90	16 488 71	15 777 25	15 113 31		274	
	275	22 087 72	20 979 12	19 951 53	18 999 96	18 112 17	17 288 37	16 521 40	15 806 57	15 139 62		275	
	276	22 151 14	21 035 79	20 002 20	19 043 32	18 152 75	17 324 70	16 553 96	15 835 76	15 165 79		276	
	277	22 214 45	21 092 34	20 052 75	19 088 52	18 193 19	17 360 91	16 586 38	15 864 81	15 191 85		277	
	278	22 277 66	21 148 78	20 103 17	19 133 59	18 233 49	17 396 98	16 618 68	15 893 74	15 217 77		278	
	279	22 340 76	21 205 10	20 153 46	19 178 53	18 273 67	17 432 51	16 650 84	15 922 54	15 243 58		279	
	280	22 403 76	21 261 30	20 203 63	19 223 34	18 313 72	17 468 72	16 682 97	15 951 21	15 269 25		280	
25	281	22 466 65	21 317 39	20 253 68	19 268 02	18 353 63	17 504 39	16 714 77	15 979 75	15 294 80		281	
	282	22 529 44	21 373 37	20 303 61	19 312 58	18 393 42	17 539 94	16 746 54	16 008 17	15 320 23		282	
	283	22 592 13	21 429 23	20 353 41	19 357 01	18 433 07	17 575 35	16 778 19	16 036 46	15 345 54		283	
	284	22 654 71	21 484 97	20 403 09	19 401 31	18 472 60	17 610 64	16 809 70	16 064 62	15 370 72		284	
	285	22 717 20	21 540 60	20 452 65	19 445 48	18 511 99	17 645 79	16 841 09	16 092 66	15 395 78		285	
	286	22 779 57	21 596 12	20 502 09	19 489 53	18 551 26	17 680 82	16 872 35	16 120 58	15 420 72		286	
	287	22 841 85	21 651 52	20 551 40	19 533 45	18 590 40	17 715 72	16 903 48	16 148 37	15 445 54		287	
	288	22 904 02	21 706 81	20 600 60	19 577 24	18 629 46	17 750 49	16 934 47	16 176 03	15 470 23		288	
	289	22 966 09	21 761 98	20 649 67	19 620 91	18 668 30	17 785 13	16 965 37	16 203 57	15 494 81		289	
	290	23 028 06	21 817 04	20 698 62	19 664 46	18 707 06	17 816 65	16 996 13	16 230 99	15 519 27		290	
26	291	23 089 92	21 871 99	20 747 45	19 707 88	18 745 59	17 854 04	17 026 16	16 258 29	15 543 61		291	
	292	23 151 69	21 926 82	20 796 16	19 751 18	18 784 19	17 897 62	17 057 29	16 285 47	15 567 83		292	
	293	23 213 35	21 981 54	20 844 75	19 794 35	18 822 57	17 922 44	17 087 65	16 312 52	15 591 94		293	
	294	23 274 91	22 036 15	20 893 22	19 837 40	18 860 83	17 956 45	17 117 91	16 339 46	15 615 93		294	
	295	23 336 36	22 090 65	20 941 58	19 880 32	18 898 96	17 990 34	17 148 04	16 366 27	15 639 80		295	
	296	23 397 72	22 145 03	20 989 81	19 923 13	18 936 96	18 024 10	17 178 06	16 392 97	15 663 56		296	
	297	23 459 98	22 199 31	21 037 63	19 965 81	18 974 84	18 057 15	17 207 95	16 419 55	15 689 20		297	
	298	23 520 13	22 253 47	21 085 92	20 008 37	19 012 60	18 091 26	17 237 72	16 446 00	15 710 73		298	
	299	23 581 18	22 307 52	21 133 80	20 050 80	19 050 24	18 124 86	17 267 37	16 472 34	15 734 14		299	
	300	23 642 14	22 361 46	21 181 56	20 093 12	19 087 75	18 157 93	17 296 90	16 498 57	15 757 44		300	

Present Value of an Annuity
Payable At End of Month
\$100.00 per Month

		Effective Annual Interest Rate											
Year	Month	2.00%	2.50%	3.00%	3.50%	4.0%	4.50%	5.00%	5.50%	6.00%	Month	Year	
26	301	23 702.99	22 415.29	21 229.20	20 135.31	19 121.14	18 191.08	17 325.31	16 524.67	15 780.63	301	26	
	302	23 163.74	22 469.00	21 276.73	20 177.38	19 165.40	18 224.11	17 355.50	16 550.67	15 803.70	302		
	303	23 824.39	22 522.61	21 324.14	20 219.33	19 207.02	18 264.76	17 396.15	16 591.54	15 826.66	303		
	304	23 884.59	22 575.11	21 371.43	20 261.17	19 239.57	18 289.81	17 413.83	16 602.30	15 849.52	304		
	305	23 945.40	22 629.49	21 418.61	20 302.88	19 277.48	18 322.48	17 442.77	16 627.94	15 872.26	305		
	306	24 005.75	22 682.77	21 465.67	20 344.47	19 311.26	18 355.03	17 471.59	16 653.47	15 894.89	306		
	307	24 066.00	22 735.94	21 512.61	20 385.95	19 345.47	18 387.46	17 500.29	16 678.89	15 917.41	307		
	308	24 126.15	22 789.00	21 559.44	20 427.30	19 378.47	18 419.77	17 528.87	16 704.20	15 939.82	308		
	309	24 186.21	22 841.95	21 606.15	20 468.54	19 411.89	18 451.96	17 557.34	16 729.39	15 962.13	309		
	310	24 246.17	22 894.79	21 652.75	20 509.66	19 450.20	18 484.04	17 585.59	16 754.47	15 984.32	310		
	311	24 306.03	22 947.52	21 699.24	20 550.66	19 483.99	18 515.99	17 613.03	16 779.43	16 006.41	311		
	312	24 365.78	23 000.14	21 745.80	20 591.54	19 521.45	18 547.83	17 642.06	16 804.29	16 028.39	312		
27	313	24 425.44	23 052.56	21 791.96	20 632.31	19 556.41	18 579.56	17 670.07	16 829.04	16 050.26	313	27	
	314	24 485.00	23 105.07	21 838.00	20 672.95	19 590.24	18 611.16	17 697.96	16 853.67	16 072.03	314		
	315	24 544.47	23 157.36	21 884.03	20 713.49	19 633.96	18 642.66	17 725.75	16 878.20	16 093.70	315		
	316	24 603.83	23 209.56	21 929.94	20 753.91	19 677.56	18 674.03	17 753.42	16 902.61	16 115.25	316		
	317	24 663.10	23 261.64	21 975.75	20 794.21	19 701.04	18 705.29	17 780.98	16 926.92	16 136.71	317		
	318	24 722.27	23 313.62	22 021.44	20 834.40	19 741.41	18 736.44	17 808.42	16 951.12	16 158.06	318		
	319	24 781.34	23 365.49	22 067.01	20 874.47	19 777.86	18 767.47	17 835.75	16 975.21	16 179.30	319		
	320	24 840.31	23 417.25	22 112.48	20 914.43	19 811.90	18 798.38	17 862.98	16 995.20	16 200.45	320		
	321	24 899.19	23 468.91	22 157.83	20 954.27	19 844.82	18 829.20	17 890.09	17 023.08	16 221.49	321		
	322	24 957.97	23 520.46	22 203.07	20 994.00	19 885.73	18 859.89	17 917.10	17 046.85	16 242.43	322		
	323	25 016.65	23 571.91	22 248.20	21 033.61	19 931.53	18 890.47	17 943.99	17 070.51	16 263.27	323		
	324	25 075.24	23 623.25	22 293.22	21 073.11	19 985.21	18 920.94	17 970.78	17 094.07	16 284.00	324		
28	325	25 133.73	23 674.48	22 338.13	21 112.50	19 998.78	18 951.30	17 997.45	17 117.53	16 304.64	325	28	
	326	25 192.12	23 725.61	22 382.93	21 151.78	20 027.23	18 981.55	18 024.02	17 140.88	16 325.18	326		
	327	25 250.42	23 776.64	22 427.61	21 190.94	20 057.58	19 011.68	18 050.48	17 164.13	16 345.61	327		
	328	25 308.62	23 827.56	22 472.19	21 229.99	20 088.81	19 041.71	18 076.63	17 187.27	16 365.95	328		
	329	25 366.72	23 878.37	22 516.66	21 269.93	20 120.93	19 071.62	18 103.08	17 210.31	16 386.19	329		
	330	25 424.73	23 929.08	22 561.02	21 307.76	20 155.94	19 101.43	18 129.22	17 233.25	16 406.33	330		
	331	25 482.65	23 979.69	22 605.27	21 346.47	20 191.83	19 131.13	18 155.25	17 256.09	16 426.37	331		
	332	25 540.46	24 030.19	22 649.44	21 385.08	20 222.62	19 160.72	18 181.18	17 278.92	16 446.32	332		
	333	25 598.19	24 080.59	22 693.41	21 423.58	20 255.30	19 190.19	18 207.00	17 301.45	16 466.17	333		
	334	25 655.81	24 130.88	22 737.36	21 461.96	20 295.86	19 219.57	18 232.72	17 323.99	16 485.93	334		
	335	25 713.35	24 181.07	22 781.18	21 500.23	20 326.32	19 248.83	18 258.33	17 346.42	16 505.58	335		
	336	25 770.78	24 231.15	22 824.89	21 538.40	20 356.87	19 277.99	18 283.64	17 368.75	16 525.15	336		
29	337	25 828.13	24 281.14	22 868.49	21 576.46	20 395.91	19 307.04	18 309.25	17 390.98	16 544.61	337	29	
	338	25 885.37	24 331.03	22 911.98	21 614.40	20 427.04	19 335.98	18 334.55	17 413.12	16 563.99	338		
	339	25 942.53	24 380.81	22 955.36	21 652.24	20 457.06	19 364.82	18 359.75	17 435.15	16 583.27	339		
	340	25 999.59	24 430.48	22 998.64	21 689.97	20 491.97	19 393.55	18 384.85	17 457.09	16 602.46	340		
	341	26 056.55	24 480.06	23 041.82	21 727.59	20 524.78	19 422.18	18 409.94	17 478.93	16 621.55	341		
	342	26 113.43	24 529.53	23 084.88	21 765.11	20 555.48	19 450.70	18 434.74	17 500.57	16 640.55	342		
	343	26 170.20	24 578.90	23 127.84	21 802.52	20 596.07	19 479.12	18 459.53	17 522.32	16 659.46	343		
	344	26 226.89	24 628.17	23 170.70	21 839.82	20 632.56	19 507.43	18 484.23	17 543.91	16 678.28	344		
	345	26 283.48	24 677.34	23 213.45	21 877.01	20 664.94	19 535.64	18 508.82	17 565.32	16 697.00	345		
	346	26 339.98	24 726.41	23 256.09	21 914.10	20 687.22	19 563.75	18 533.31	17 586.68	16 715.64	346		
	347	26 396.38	24 775.38	23 298.63	21 951.08	20 711.39	19 591.76	18 557.71	17 607.94	16 734.19	347		
	348	26 452.69	24 824.24	23 341.97	21 987.95	20 745.45	19 619.66	18 582.00	17 629.11	16 752.64	348		
30	349	26 508.91	24 871.01	23 383.40	22 024.72	20 783.47	19 647.46	18 606.20	17 650.18	16 771.01	349	30	
	350	26 565.03	24 921.57	23 425.62	22 061.39	20 811.27	19 675.15	18 630.29	17 671.16	16 789.28	350		
	351	26 621.07	24 970.24	23 467.74	22 097.94	20 841.02	19 702.75	18 654.29	17 692.05	16 807.47	351		
	352	26 677.01	25 018.73	23 509.76	22 134.40	20 871.67	19 730.24	18 678.20	17 712.84	16 825.57	352		
	353	26 732.86	25 067.07	23 551.68	22 170.75	20 901.22	19 757.94	18 702.00	17 733.54	16 843.59	353		
	354	26 788.61	25 115.34	23 593.49	22 207.00	20 934.68	19 784.93	18 725.71	17 754.15	16 861.51	354		
	355	26 844.28	25 163.50	23 635.20	22 243.14	20 971.00	19 812.13	18 749.32	17 774.67	16 879.35	355		
	356	26 899.85	25 211.57	23 676.81	22 279.18	21 004.24	19 839.22	18 772.84	17 795.09	16 897.10	356		
	357	26 955.33	25 259.54	23 718.31	22 315.11	21 035.37	19 866.22	18 796.26	17 815.43	16 914.77	357		
	358	27 010.72	25 307.41	23 759.71	22 350.94	21 066.41	19 893.11	18 819.19	17 835.57	16 932.35	358		
	359	27 066.02	25 355.19	23 801.01	22 386.67	21 097.34	19 919.91	18 842.82	17 855.83	16 949.85	359		
	360	27 121.23	25 402.86	23 842.21	22 422.30	21 128.17	19 946.51	18 865.96	17 875.89	16 967.26	360		

Present Value of an Annuity
Payable At End of Month
\$100.00 per Month

		Effective Annual Interest Rate										
Year	Month	2.00%	2.50%	3.00%	3.50%	4.00%	4.50%	5.00%	5.50%	6.00%	Month	Year
31	361	27,176.34	25,450.44	23,883.31	22,457.83	21,158.90	19,973.21	18,889.00	17,895.87	16,984.58	361	31
	362	27,231.37	25,497.91	23,924.30	22,493.25	21,189.53	19,999.72	18,911.95	17,915.75	17,001.83	362	
	363	27,286.30	25,545.30	23,965.20	22,528.58	21,220.06	20,026.13	18,934.81	17,935.55	17,018.99	363	
	364	27,341.15	25,592.58	24,005.98	22,563.80	21,250.50	20,052.44	18,957.58	17,955.25	17,036.26	364	
	365	27,395.90	25,639.75	24,046.69	22,598.92	21,280.83	20,078.55	18,980.25	17,974.88	17,053.06	365	
	366	27,450.56	25,686.85	24,087.28	22,633.94	21,311.06	20,104.77	19,002.83	17,994.41	17,069.97	366	
	367	27,505.14	25,733.85	24,127.78	22,668.86	21,341.20	20,130.80	19,025.32	18,013.86	17,086.80	367	
	368	27,559.62	25,780.74	24,168.17	22,703.58	21,371.23	20,156.72	19,047.71	18,033.22	17,103.54	368	
	369	27,614.01	25,827.54	24,208.47	22,738.40	21,401.17	20,182.56	19,070.02	18,052.50	17,120.21	369	
	370	27,668.32	25,874.25	24,248.66	22,773.02	21,431.01	20,208.29	19,092.24	18,071.59	17,136.80	370	
	371	27,722.53	25,920.85	24,288.76	22,807.54	21,460.75	20,233.94	19,114.36	18,090.79	17,153.30	371	
	372	27,776.65	25,967.36	24,328.76	22,841.96	21,490.40	20,259.49	19,136.40	18,109.81	17,169.73	372	
	373	27,830.69	26,013.78	24,368.66	22,876.29	21,519.95	20,284.95	19,158.34	18,128.74	17,186.07	373	32
	374	27,884.64	26,060.10	24,408.46	22,910.51	21,549.40	20,310.31	19,180.20	18,147.59	17,202.34	374	
	375	27,938.49	26,106.33	24,448.17	22,944.64	21,578.76	20,335.58	19,201.97	18,166.36	17,218.53	375	
	376	27,992.26	26,152.46	24,487.77	22,978.67	21,608.02	20,360.76	19,223.85	18,185.04	17,234.54	376	
	377	28,045.94	26,198.49	24,527.28	23,012.61	21,637.18	20,385.84	19,245.24	18,203.64	17,250.67	377	
	378	28,099.53	26,244.43	24,566.69	23,046.44	21,666.25	20,410.84	19,266.75	18,222.15	17,266.62	378	
	379	28,153.04	26,290.28	24,606.01	23,080.18	21,695.23	20,435.74	19,288.17	18,240.59	17,282.50	379	
	380	28,206.45	26,336.03	24,645.23	23,113.82	21,724.11	20,460.55	19,309.50	18,259.94	17,298.30	380	
	381	28,259.78	26,381.69	24,684.35	23,147.37	21,752.90	20,485.27	19,330.74	18,277.21	17,314.02	381	
	382	28,313.02	26,427.25	24,723.37	23,180.82	21,781.59	20,509.90	19,351.90	18,295.40	17,329.67	382	
	383	28,366.17	26,472.72	24,762.30	23,214.18	21,810.19	20,534.44	19,372.67	18,313.50	17,345.24	383	
	384	28,419.23	26,518.10	24,801.14	23,247.43	21,838.70	20,558.89	19,393.96	18,331.53	17,360.74	384	
33	385	28,472.21	26,563.38	24,839.88	23,280.60	21,867.11	20,583.25	19,414.96	18,349.48	17,376.16	385	33
	386	28,525.09	26,608.57	24,878.52	23,313.67	21,895.43	20,607.52	19,435.68	18,367.35	17,391.50	386	
	387	28,577.90	26,653.67	24,917.07	23,346.64	21,923.66	20,631.71	19,456.41	18,385.13	17,406.77	387	
	388	28,630.61	26,698.68	24,955.52	23,379.52	21,951.79	20,655.80	19,477.05	18,402.84	17,421.97	388	
	389	28,683.24	26,743.59	24,993.88	23,412.31	21,979.84	20,679.81	19,497.62	18,420.47	17,437.10	389	
	390	28,735.78	26,788.41	25,032.14	23,445.00	22,007.79	20,703.72	19,518.10	18,438.02	17,452.15	390	
	391	28,788.23	26,833.14	25,070.31	23,477.60	22,035.65	20,727.55	19,538.50	18,455.49	17,467.12	391	
	392	28,840.60	26,877.77	25,108.39	23,510.10	22,063.42	20,751.30	19,558.81	18,472.89	17,482.03	392	
	393	28,892.88	26,922.32	25,146.37	23,542.51	22,091.10	20,774.95	19,579.05	18,490.20	17,496.86	393	
	394	28,945.08	26,966.77	25,184.26	23,574.83	22,118.69	20,798.52	19,599.20	18,507.45	17,511.62	394	
	395	28,997.18	27,011.13	25,222.05	23,607.06	22,146.19	20,822.00	19,619.27	18,524.61	17,526.31	395	
	396	29,049.21	27,055.40	25,259.76	23,635.19	22,173.50	20,845.40	19,639.25	18,541.70	17,540.93	396	
	397	29,101.14	27,099.58	25,297.37	23,671.24	22,200.92	20,868.71	19,659.16	18,558.71	17,555.48	397	34
	398	29,153.00	27,143.67	25,334.80	23,703.19	22,228.15	20,891.94	19,678.98	18,575.64	17,569.96	398	
	399	29,204.76	27,187.67	25,372.31	23,735.04	22,255.29	20,915.08	19,698.73	18,592.50	17,584.37	399	
	400	29,256.44	27,231.58	25,409.64	23,766.81	22,282.34	20,938.14	19,718.39	18,609.29	17,598.70	400	
	401	29,308.04	27,275.39	25,446.88	23,798.49	22,309.31	20,961.11	19,737.58	18,626.00	17,612.97	401	
	402	29,359.55	27,319.12	25,484.03	23,830.08	22,336.18	20,984.00	19,757.48	18,642.63	17,627.17	402	
	403	29,410.97	27,362.76	25,521.09	23,861.57	22,362.97	21,006.80	19,776.91	18,659.19	17,641.30	403	
	404	29,462.31	27,406.31	25,558.06	23,892.98	22,389.68	21,029.52	19,796.26	18,675.58	17,655.36	404	
	405	29,513.57	27,449.76	25,594.93	23,924.29	22,416.29	21,052.16	19,815.53	18,692.10	17,669.35	405	
	406	29,564.74	27,493.13	25,631.72	23,955.52	22,442.82	21,074.71	19,834.72	18,708.44	17,683.28	406	
	407	29,615.83	27,536.41	25,668.41	23,986.66	22,469.26	21,097.18	19,853.83	18,724.71	17,697.14	407	
	408	29,666.83	27,579.50	25,705.02	24,017.70	22,495.62	21,119.57	19,872.87	18,740.96	17,710.93	408	
35	409	29,717.75	27,622.70	25,741.53	24,048.66	22,521.88	21,141.88	19,891.83	18,757.03	17,724.65	409	35
	410	29,768.58	27,665.72	25,777.96	24,079.53	22,548.07	21,164.11	19,910.71	18,773.08	17,738.31	410	
	411	29,819.34	27,708.64	25,814.29	24,110.31	22,574.17	21,186.25	19,929.51	18,789.06	17,751.90	411	
	412	29,870.00	27,751.48	25,850.54	24,141.01	22,600.19	21,208.32	19,948.24	18,804.97	17,765.43	412	
	413	29,920.59	27,794.23	25,886.69	24,171.61	22,625.11	21,230.30	19,966.86	18,820.81	17,778.89	413	
	414	29,971.09	27,836.89	25,922.76	24,202.13	22,651.95	21,252.20	19,985.47	18,836.58	17,792.29	414	
	415	30,021.50	27,879.45	25,958.74	24,232.56	22,677.71	21,274.02	20,003.97	18,852.28	17,805.52	415	
	416	30,071.84	27,921.95	25,994.63	24,262.91	22,703.38	21,295.77	20,022.40	18,867.91	17,818.88	416	
	417	30,122.29	27,964.34	26,030.43	24,293.18	22,728.98	21,317.43	20,040.75	18,883.46	17,832.08	417	
	418	30,172.26	28,006.65	26,066.15	24,323.33	22,754.48	21,339.01	20,059.02	18,898.95	17,845.22	418	
	419	30,222.34	28,048.88	26,101.77	24,353.42	22,779.91	21,360.52	20,077.23	18,914.37	17,858.29	419	
	420	30,272.34	28,091.02	26,137.31	24,383.41	22,805.25	21,381.94	20,095.36	18,929.73	17,871.30	420	

Present Value of an Annuity
Payable At End of Month
\$100.00 per Month

		Effective Annual Interest Rate											
Year	Month	2.00%	2.50%	3.00%	3.50%	4.00%	4.50%	5.00%	5.50%	6.00%	Month	Year	
36	421	30 322 27	28 133 07	26 172 76	24 413 33	22 830 51	21 403 29	20 113 41	18 945 01	17 884 25	421	36	
	422	30 372 10	28 175 03	26 208 13	24 443 15	22 855 68	21 424 56	20 131 39	18 960 23	17 897 14	422		
	423	30 421 86	28 216 91	26 243 40	24 472 89	22 890 78	21 445 75	20 149 30	18 975 37	17 909 96	423		
	424	30 471 53	28 258 70	26 278 59	24 502 55	22 905 79	21 466 96	20 167 14	18 990 45	17 922 72	424		
	425	30 521 12	28 300 41	26 313 70	24 532 12	22 930 72	21 487 90	20 184 90	19 005 47	17 935 42	425		
	426	30 570 63	28 342 03	26 348 71	24 561 61	22 955 57	21 508 86	20 202 80	19 020 41	17 948 05	426		
	427	30 620 06	28 383 56	26 383 64	24 591 01	22 980 34	21 529 74	20 222 22	19 035 29	17 960 63	427		
	428	30 669 41	28 425 01	26 418 49	24 620 33	23 005 03	21 550 54	20 237 77	19 050 11	17 973 15	428		
	429	30 718 68	28 466 37	26 453 25	24 649 56	23 029 63	21 571 27	20 255 24	19 064 85	17 985 60	429		
	430	30 767 86	28 507 65	26 487 92	24 678 71	23 054 16	21 591 93	20 272 65	19 079 54	17 997 99	430		
	431	30 816 96	28 548 85	26 522 51	24 707 78	23 078 61	21 612 51	20 289 99	19 094 15	18 010 33	431		
	432	30 865 99	28 589 96	26 557 01	24 736 76	23 102 97	21 633 01	20 307 25	19 108 71	18 022 60	432		
37	433	30 914 93	28 630 98	26 591 43	24 765 66	23 127 26	21 653 44	20 324 45	19 123 19	18 034 82	433	37	
	434	30 963 79	28 671 92	26 625 76	24 794 48	23 151 47	21 673 79	20 341 57	19 137 61	18 046 97	434		
	435	31 012 57	28 712 78	26 660 01	24 823 21	23 175 60	21 694 07	20 358 63	19 151 97	18 059 07	435		
	436	31 061 27	28 753 55	26 694 18	24 851 86	23 199 65	21 714 27	20 375 62	19 166 27	18 071 11	436		
	437	31 109 89	28 794 24	26 728 26	24 880 44	23 223 62	21 734 40	20 392 54	19 180 50	18 083 09	437		
	438	31 158 43	28 834 84	26 762 26	24 908 92	23 247 52	21 754 46	20 409 39	19 194 66	18 095 01	438		
	439	31 206 89	28 875 36	26 796 17	24 937 33	23 271 33	21 774 44	20 426 17	19 208 77	18 106 87	439		
	440	31 255 27	28 915 80	26 830 00	24 965 66	23 295 07	21 794 35	20 442 98	19 222 81	18 118 68	440		
	441	31 303 57	28 956 16	26 863 75	24 993 90	23 318 73	21 814 19	20 459 53	19 236 79	18 130 43	441		
	442	31 351 79	28 996 43	26 897 41	25 022 07	23 342 31	21 833 95	20 476 10	19 250 71	18 142 12	442		
	443	31 399 93	29 036 62	26 930 99	25 050 15	23 365 82	21 853 64	20 492 61	19 264 56	18 153 75	443		
	444	31 447 99	29 076 73	26 964 49	25 078 15	23 389 25	21 873 26	20 509 06	19 278 35	18 165 33	444		
38	445	31 495 97	29 115 75	26 997 91	25 106 08	23 412 60	21 892 81	20 525 43	19 292 08	18 176 86	445	38	
	446	31 543 87	29 156 69	27 031 24	25 133 92	23 435 88	21 912 29	20 541 74	19 305 76	18 188 32	446		
	447	31 591 70	29 196 55	27 064 49	25 161 68	23 459 08	21 931 69	20 557 99	19 319 37	18 199 74	447		
	448	31 639 44	29 236 33	27 097 66	25 189 37	23 482 21	21 951 03	20 574 17	19 332 91	18 211 09	448		
	449	31 687 11	29 276 03	27 130 75	25 216 97	23 505 26	21 970 29	20 590 28	19 346 40	18 222 39	449		
	450	31 734 69	29 315 84	27 163 76	25 244 50	23 528 23	21 989 48	20 606 33	19 359 83	18 233 64	450		
	451	31 782 20	29 355 17	27 196 68	25 271 94	23 551 13	22 008 61	20 622 31	19 373 20	18 244 83	451		
	452	31 829 63	29 394 43	27 229 53	25 299 31	23 576 97	22 027 66	20 638 23	19 386 51	18 255 97	452		
	453	31 876 89	29 434 00	27 262 29	25 325 60	23 596 71	22 046 64	20 654 08	19 399 76	18 267 06	453		
	454	31 924 26	29 473 29	27 294 97	25 353 81	23 619 38	22 065 56	20 669 87	19 412 95	18 278 09	454		
	455	31 971 46	29 512 50	27 327 58	25 380 95	23 641 98	22 084 40	20 685 59	19 426 08	18 289 06	455		
	456	32 018 58	29 551 62	27 360 10	25 408 00	23 664 51	22 103 18	20 701 25	19 439 16	18 299 99	456		
39	457	32 065 62	29 590 67	27 392 54	25 434 98	23 686 97	22 121 88	20 716 85	19 452 17	18 310 96	457	39	
	458	32 112 58	29 629 64	27 424 90	25 461 88	23 709 35	22 140 52	20 732 38	19 465 13	18 321 68	458		
	459	32 159 47	29 668 53	27 457 19	25 488 71	23 731 66	22 159 09	20 747 85	19 478 03	18 332 44	459		
	460	32 206 28	29 707 34	27 489 39	25 515 48	23 753 89	22 177 58	20 763 26	19 490 87	18 343 16	460		
	461	32 253 01	29 746 06	27 521 52	25 542 13	23 776 06	22 196 02	20 778 61	19 503 66	18 353 82	461		
	462	32 299 66	29 784 71	27 553 56	25 568 72	23 798 15	22 214 39	20 793 89	19 516 39	18 364 43	462		
	463	32 346 24	29 823 28	27 585 53	25 595 24	23 820 17	22 232 69	20 809 11	19 529 06	18 374 99	463		
	464	32 392 74	29 861 77	27 617 42	25 621 68	23 842 11	22 250 92	20 824 27	19 541 68	18 385 50	464		
	465	32 439 16	29 900 18	27 649 23	25 648 05	23 863 99	22 269 09	20 839 37	19 554 23	18 395 95	465		
	466	32 485 51	29 938 51	27 680 96	25 674 34	23 885 75	22 287 19	20 854 40	19 566 74	18 406 36	466		
	467	32 531 78	29 976 77	27 712 61	25 700 56	23 907 53	22 305 22	20 869 38	19 579 19	18 416 71	467		
	468	32 577 98	30 014 94	27 744 19	25 726 70	23 929 19	22 323 19	20 884 30	19 591 58	18 427 02	468		
40	469	32 624 10	30 053 04	27 775 64	25 752 77	23 950 78	22 341 09	20 899 15	19 603 92	18 437 27	469	40	
	470	32 670 14	30 091 05	27 807 10	25 778 76	23 972 30	22 358 92	20 913 94	19 616 20	18 447 48	470		
	471	32 716 10	30 128 99	27 838 45	25 804 58	23 993 75	22 376 68	20 928 68	19 628 43	18 457 64	471		
	472	32 762 00	30 166 85	27 869 71	25 830 52	24 015 13	22 394 40	20 943 35	19 640 60	18 467 74	472		
	473	32 807 81	30 204 64	27 900 90	25 856 29	24 036 44	22 412 04	20 957 97	19 652 72	18 477 80	473		
	474	32 853 55	30 242 34	27 932 01	25 881 98	24 057 69	22 429 61	20 972 52	19 664 78	18 487 81	474		
	475	32 899 22	30 279 97	27 963 05	25 907 61	24 078 86	22 447 12	20 987 02	19 676 79	18 497 77	475		
	476	32 944 80	30 317 52	27 994 01	25 933 15	24 099 96	22 464 57	21 001 46	19 688 75	18 507 69	476		
	477	32 990 32	30 354 99	28 024 89	25 958 63	24 120 99	22 481 85	21 015 83	19 700 66	18 517 55	477		
	478	33 035 76	30 392 39	28 055 70	25 984 03	24 141 96	22 499 27	21 030 15	19 712 51	18 527 37	478		
	479	33 081 12	30 429 71	28 086 43	26 009 36	24 162 86	22 516 53	21 044 42	19 724 31	18 537 14	479		
	480	33 126 41	30 466 95	28 117 08	26 034 62	24 183 69	22 533 72	21 058 62	19 736 05	18 546 86	480		

OFFICIALS OF THE STATE OF ALABAMA — 1998

(See alphabetical listing under Executive Branch
for state officials' addresses)

<i>Governor</i>	334-242-7100
Fob James, Jr.	
<i>Lieutenant Governor</i>	334-242-7900
Don Siegelman	
<i>Attorney General</i>	334-242-7300
William Pryor	
<i>Secretary of State</i>	334-242-7200
Jim Bennett	
<i>State Auditor</i>	334-242-7010
Pat Duncan	
<i>State Treasurer</i>	334-242-7500
Lucy Baxley	
<i>Commissioner of Agriculture and Industries</i>	334-242-2650
Jack Thompson	
<i>State Board of Education</i>	334-242-9950
50 N. Ripley St., Suite 5114 5th Floor, Montgomery, AL 36130	
<i>1st District</i>	Bradley Byrne 334-432-3444
<i>2nd District</i>	G. J. Higginbotham 334-703-1802
<i>3rd District</i>	Stephanie Bell 334-260-0100
<i>4th District</i>	Dr. Ethel H. Hall 205-923-6093
<i>5th District</i>	Dr. Willie J. Paul 334-264-5404
<i>6th District</i>	David F. Byers, Jr. 205-933-0853
<i>7th District</i>	Sandra Ray 205-758-7777
<i>8th District</i>	Dr. Mary Jane Caylor 205-228-6822

EXECUTIVE BRANCH

Adjustment, State Board of - see Finance Department

Jim Bennett	<i>Secretary of State</i>
Pat Duncan	<i>State Auditor</i>
Lucy Baxley	<i>State Treasurer</i>
Jimmy H. Baker	<i>Director of Finance</i>

Adjutant General, see Military Dept.

<i>Aeronautics, Alabama Department of</i>	334-242-4480
770 Washington Ave., Suite 544, Montgomery, AL 36130	
John C. Eagerton	<i>Director</i>
<i>Aging, Commission on</i>	334-242-5743
770 Washington Ave., Suite 470, Montgomery, AL 36130-1851	
Martha Murph Beck	<i>Executive Director</i>
Affiliated entity:	
<i>Senior Citizens Hall of Fame Board</i>	
<i>Agricultural Center Board</i>	334-242-5597
P.O. Box 70026, Montgomery, AL 36107	
William H. Johnson, III	<i>Executive Director</i>
<i>Agriculture and Industries, State Dept. of</i>	334-240-7100
1445 Federal Dr., Montgomery, AL 36107	
Jack Thompson	<i>Commissioner</i>
John Henderson	<i>Assistant Commissioner</i>
Robert J. Russell	<i>Legal Counsel</i>
Sidney Haymon	<i>Chief Accountant</i>
Brenda Summerlin	<i>Publications & Information</i>
David Hooks	<i>Personnel</i>
Bo McLean	<i>General Services</i>
Dr. John Gamble	<i>Marketing & Economics</i>
Dr. J. Lee Alley	<i>Animal Industry</i>
Joe Caughen	<i>Seed</i>
Lance Hester	<i>Agricultural Commodities Inspection</i>
Dr. John Bloch	<i>Plant Protection & Pesticide Management</i>
Steadman Hollis	<i>Weights & Measures / Gins & Warehouses</i>
Jerry Adkins	<i>Shipping Point Inspection</i>
Dave Gonsoulin	<i>Livestock Market News</i>
Herb Vanderberry	<i>Agricultural Statistics</i>
Jeanette Smith	<i>Petroleum Commodities</i>
Affiliated entities:	
<i>Alabama Agriculture Development Authority</i>	
<i>Alabama Agricultural and Industrial Exhibit Commission</i>	
<i>Meat and Poultry Advisory Council</i>	
<i>State Veterinarian</i>	
<i>Airport Authority, Alabama International</i>	334-242-5508
401 Adams Ave., Montgomery, AL 36103	
Bobby G. Valdez	<i>Executive Director</i>
<i>Alabama Development Office (ADO)</i>	334-242-0400
401 Adams Ave., Montgomery, AL 36130	
Ira Silberman	<i>Director</i>
Affiliated entities:	
<i>Alabama Film Office</i>	334-242-4195

Alabama Industrial Development Training - see sub-section for Public Colleges and Universities at conclusion of Executive Branch

Alabama Institute for Deaf and Blind205-761-3200
 205 East S. St., Talladega, AL 35160
 Dr. Joseph F. Busta, Jr.President

Alabama Law Institute - see Legislative Branch

Alcoholic Beverage Control (ABC) Board, Alabama.....334-271-3840
 2715 Gunter Park Dr. W., Montgomery, AL 36109
 Robert LeavellAdministrator
 W. E. HaysBoard Chairman
 Terrell PayneBoard Member

American Legion & Auxiliary Scholarships334-262-6638
 P.O. Box 1069, Montgomery, AL 36192-1001
 Braxton BridgersState Adjutant

Architects, State Board for Registration of334-242-4179
 770 Washington Ave., Suite 150, Montgomery, AL 36130
 Cynthia J. Gainey.....Administrator

Archives and History, Department of.....334-242-4361
 624 Washington Ave., Box 300100,
 Montgomery, AL 36130-0100
 Dr. Edwin C. Bridges.....Director
 Affiliated entities:
Alabama Academy of Honor
Government Records Commissions (local and state)
Governor's Mansion Advisory Board
Stonewall Jackson Memorial Fund

Arts, Alabama State Council on the334-242-4076
 201 Monroe St., Suite 100, Montgomery, AL 36130
 Al Head.....Executive Director
 Bill Bates.....Deputy Director

Athlete Agent Regulatory Commission, Alabama -
 see Secretary of State

Athletic Trainers, Alabama Board of.....334-262-6363
 415 Monroe St., Montgomery, AL 36104
 Sharon Whitaker.....Executive Secretary

<i>Attorney General</i>	334-242-7300
Alabama State House, 11 S. Union St., Montgomery, AL 36130	
William Pryor	<i>Attorney General</i>
Richard Allen	<i>Chief Deputy Attorney General</i>
Charla Doucet	<i>Administrative Division Chief</i>
Sandra Stewart	<i>Appeals Division Chief</i>
Rosa Davis	<i>Capital Litigation Division Chief</i>
Walter Turner.....	<i>Civil Division Chief</i>
Don Valeska	<i>Criminal Trials Division Chief</i>
Bruce Lieberman	<i>Medicaid Fraud Division Chief</i>
Jim Solomon	<i>Opinions Division Chief</i>
Dennis Wright.....	<i>Consumer Affairs Section</i>
Olivia Martin	<i>Consumer Utilities Section</i>
Milt Belcher	<i>Constitutional Litigation Section</i>
Craig Kneisel	<i>Environmental Division Chief</i>
John Gibbs	<i>White Collar Crime / Public Corruption Division Chief</i>
Geary Allen.....	<i>Southern Environmental Enforcement Network Director</i>
Affiliated entities:	
<i>Office of Consumer Assistance</i>	
<i>Auctioneers, Board of</i>	334-269-9990
660 Adams Ave., Suite 150, Montgomery, AL 36104	
Paula McCaleb	<i>Office Administrator</i>
<i>Auditor, State</i>	334-242-7010
State Capitol, 600 Dexter Ave., Montgomery, AL 36130	
Pat Duncan	<i>State Auditor</i>
<i>Banking, State Department of</i>	334-242-3452
101 South Union St., Montgomery, AL 36130	
Dr. Wayne C. Curtis	<i>Superintendent</i>
Affiliated entities:	
<i>Banking Board</i>	
<i>Savings and Loan Board</i>	
<i>Bar Association, Alabama State</i>	334-269-1515
P.O. Box 671, Montgomery, AL 36101	
Keith B. Norman	<i>Director</i>
<i>Bear Creek Development Authority</i>	205-332-4392
P.O. Box 670, Russellville, AL 35653	
James D. Sibley	<i>Administrator</i>

- Blakely Authority, Historic*334-626-0798
 33707 State Highway 225, Spanish Fort, AL 36527
 Mary Grice*Executive Director*
- Budget Officer* - see Finance Department
- Building Commission, State*334-242-4082
 770 Washington Ave., Suite 444, Montgomery, AL 36130
 Stedmann B. McCollough*Director*
- Chattahoochee Commission, Historic*334-687-9755
 P.O. Box 33, Eufaula, AL 36072-0033
 Douglas Clare Purcell*Executive Director*
- Child Abuse & Neglect Prevention Board*334-242-5710
 (Children's Trust Fund)
 P.O. Box 4251, Montgomery, AL 36103
 Kitty Terry*Executive Director*
- Children's Services Facilitation Team, Alabama*334-242-3227
 P.O. Box 301410, Montgomery, AL 36130-1410
 James Dupree*Chairman, Executive Council*
 John M. Houston*Chairman, State Team*
 Donna Glass*Multiple Needs Child Coordinator*
- Chiropractic Examiners, State Board of*205-755-8000
 737 Logan Road, Clanton, AL 35045
 Dr. Donald B. Williams*President*
- Chiropractic Hall of Fame Board, Alabama*334-262-2228
 134 High Street, Montgomery, AL 36104
 Algie Neill*Executive Director*
- Choctawhatchee, Pea and Yellow Rivers Watershed
 Management Authority*334-670-3780
 400 Pell Ave., Collegeview Bldg., Troy, AL 36082
 Thomas D. Fuqua*Chairman*
- Comptroller, State* - see Finance Department
- Conservation and Natural Resources, Dept. of*334-242-3486
 64 N. Union St., Montgomery, AL 36130
 James D. Martin*Commissioner*
 Bob Macrory*Assistant Commissioner*
 Charles D. Kelley*Director, Div. of Game & Fish*
 James Griggs*Director, Div. of State Lands*
 William B. Garner*Director, Div. of Marine Police*
 R. Vernon Minton*Director, Div. of Marine Resources*
 Gary G. Leach*Director, Parks Division*

*Affiliated entities:**Alabama Forever Wild Land Trust**Gulf States Marine Fisheries Commission**Minerals Resource Management Committee**Consumer Protection - see Attorney General's Office**Contractors, State Licensing Board of General*334-242-2839

400 S. Union St., Suite 235, Montgomery, AL 36130

Cherie E. Colquett*Executive Secretary**Corrections, Department of*334-353-3883

P.O. Box 301501, Montgomery, AL 36130-1501

Joe Hooper*Commissioner**Affiliated entities:**Alabama Corrections Institution Finance Authority**Interstate Corrections Compact**Cosmetology, State Board of*334-272-1918

1000-A Interstate Park, Montgomery, AL 36130

Jeanni R. Frye*Executive Director**Counseling, Board of Examiners*205-933-8100

1717 11th Ave. S., Suite 412, Birmingham, AL 35205

Walter H. Cox*Executive Officer**Courts, Administrative Office of - see Judicial Branch Section**Credit Union, Employees*334-270-9011

1000 Interstate Park, Montgomery, AL 36109

Phillip Farris*Manager**Credit Union Administration*~~334-242-2381~~

1799 Cong. Wm. L. Dickinson Dr., Montgomery, AL 36130

T. Glenn Latham*Administrator**Crime Victims Compensation**Commission, Alabama*334-242-4007

P.O. Box 1548, Montgomery, AL 36102-1548

Randy Helms*Executive Director**Criminal Justice Information Center*334-242-4900

770 Washington Ave., Suite 350, Montgomery, AL 36130-5201

Larry Wright*Director**Dental Examiners, Board of*205-533-4638

2327-B Pansy St., Huntsville, AL 35801

Dr. William L. Gafford*President*

- Dental Scholarship Awards, Board of*.....205-934-4384
 Volker Hall, Room P115, Birmingham, AL 35294-0019
 Frieda Baldwin*Financial Officer*
- Dietetic/Nutrition, Board of Examiners*334-242-4505
 400 S. Union St., Suite 125, Montgomery, AL 36104
 Jeanne Stanfield*Executive Secretary*
- Economic and Community Affairs,*
Alabama Dept. of.....334-242-8672
 401 Adams Ave., Montgomery, AL 36103
 Edwin I. Gardner*Director*
- Education, Commission on Higher* - for higher education,
 see sub-section at conclusion of Executive Branch section
- Education, Department*334-242-9700
 50 N. Ripley, Suite 5114, Montgomery, AL 36130
 Dr. Ed Richardson*State Superintendent of Education*
 Dr. Joseph B. Morton*Deputy State Superintendent*
 Affiliated entities:
State Courses of Study Committee
State Textbook Committee
- Education, Postsecondary* - for higher education, see
 sub-section at conclusion of Executive Branch section
- Education Study Commission, Alabama*
 % Governor's Office, 11 South Union St., Montgomery, AL 36103
- Electrical Contractors, Board of*334-269-9990
 660 Adams Ave., Suite 150, Montgomery, AL 36104
 Keith Warren*Acting Director*
 Affiliated entity:
Electrical Appeals and Advisory Board
- Elk River Development Agency, Alabama*205-732-4500
 P.O. Box 127, Hwy. 127, Elkmont, AL 35620
 Ed Sandlin*Executive Director*
 Jerry Bradford*Chairman / Chief Executive Officer*
- Emergency Management Agency, Alabama*205-280-2201
 P.O. Drawer 2160, Clanton, AL 35046
 Lee Helms*Director*

- Engineers and Land Surveyors, State Board of*.....334-242-5568
 RSA Union, 100 North Union, Suite 382,
 Montgomery, AL 36130
 Mrs. Regina Dinger.....*Executive Director*
- Environmental Management, Alabama Dept. of*334-271-7700
 1751 Congressman Dickinson Dr., Montgomery, AL 36130
 James W. Warr*Director*
 Affiliated entities:
Alabama Water Pollution Control Authority
Environmental Management Commission
Recycling Industry and Market Development Council
Solid Waste Management Advisory Committee
- Ethics Commission, Alabama*.....334-242-2997
 100 North Union St., Suite 104, Montgomery, AL 36104
 James L. Sumner, Jr.*Director*
- Examiners of Public Accounts* - see Legislative Branch
- Exploreum Science Museum*334-471-5923
 1906 Spring Hill Ave., Mobile, AL 36607
 Louise Bush*President*
 Scott Osborne.....*Director*
- Family Practice Rural Health Board*334-242-5922
 P.O. Box 1900, Montgomery, AL 36102
 Ellen Stone*Executive Director*
- Farmers' Market Authority*334-242-2618
 770 Washington Ave., Suite 420, Montgomery, AL 36130
 Don Wambles*Administrator*
- Finance Department*.....334-242-7160
 State Capitol, Montgomery, AL 36130
 Jimmy H. Baker.....*Director*
 James Rowell.....*Assistant Director, Data Sys. / Adm.*
 Bill Newton*Assistant Director, Fiscal Ops.*
 Kent Rose*Purchasing Director*
 Robert Childree.....*State Comptroller*
 Lee Miller*Legal Counsel*
 Don Drablos*Chief, Division of Service*
 Jerry Carpenter.....*Risk Manager, Insurance Fund*
 Mickey McGee*Director, Space Management & Personnel*
 Jerry Wilson.....*Director, Printing and Publications*

Larkin Nolen	<i>Chief Information Officer</i>
Curtis Hays	<i>Fleet Manager</i>
Cecil Humphrey.....	<i>Chief, Capitol Police</i>
Marsha Manning	<i>Director, Accounting & Administration</i>
Entities associated with the Finance Department:	
<i>Alabama Building Renovation Finance Authority</i>	
<i>Alabama Public School & College Authority</i>	
<i>Alabama State Parking Deck Authority</i>	
<i>Alabama Trust Fund Board</i>	
<i>Board of Adjustment</i>	
<i>Coosa Valley Development Authority</i>	
<i>Employees' Suggestion Awards</i>	
<i>Federal Aid Highway Finance Authority</i>	
<i>Flexible Employee Benefits Board</i>	
<i>Public Printing, Board to Approve Contracts for</i>	
<i>Tombigbee Valley Development Authority</i>	
<i>Trade School & Junior College Authority</i>	
<i>Fire College and Personnel Standards Commission,</i>	
<i>Alabama.....</i>	<i>205-391-3779</i>
<i>2501 Phoenix Drive, Tuscaloosa, AL 35405</i>	
<i>William Langston.....</i>	<i>Executive Director</i>
<i>Foreign Trade Relations Commission</i>	<i>334-433-1151</i>
<i>250 N. Water St., Mobile, AL 36602</i>	
<i>Dr. Robert Lager</i>	<i>Executive Director</i>
<i>Forensic Sciences, Dept. of</i>	<i>334-887-7001</i>
<i>P.O. Box 3510, Auburn, AL 36831-3510</i>	
<i>Carlos Rabren</i>	<i>Director</i>
<i>Foresters, State Board of Registration for</i>	<i>334-353-3640</i>
<i>513 Madison Ave., Montgomery, AL 36130</i>	
<i>H. Phillip Sasnett.....</i>	<i>Chairman</i>
<i>Forestry Commission, Alabama.....</i>	<i>334-240-9304</i>
<i>513 Madison Ave., Montgomery, AL 36130-2550</i>	
<i>Timothy C. Boyce</i>	<i>Director</i>
<i>Affiliated entity:</i>	
<i>Alabama Forestry Study Committee</i>	
<i>Funeral Services, Board of.....</i>	<i>334-242-4049</i>
<i>770 Washington Ave., Suite 226, Montgomery, AL 36130</i>	
<i>Warren Higgins.....</i>	<i>Executive Secretary</i>

Geological Survey of Alabama205-349-2852
420 Hackberry Lane, Tuscaloosa, AL 35401
Donald F. OltzState Geologist

Government Records Commissions (Local and State) - see Archives
& History

Governor's Mansion Advisory Board -
see Historical Commission or Archives & History

Governor's Office, Executive Department
State Capitol, N-104, 600 Dexter Ave., Montgomery, AL 36130
Fob James, Jr.Governor
James Allen MainExecutive Secretary / Legal Advisor
Dannie ShockleyRecording Secretary
Bob GambacurtaPress Secretary
Kerry Rich.....Director, Legislative Affairs
John W. Giles, Jr.Appointments / Scheduling Secretary
Affiliated entities:
State Beautification Board
State Commission on National & Community Service
Southern Growth Policies Board

Health, Department of Public334-206-5200
The RSA Tower, 201 Monroe St., Montgomery, AL 36104
Dr. Donald E. Williamson.....State Health Officer
Dr. Clyde BarganierDirector, Office of Primary Care and
Rural Health
Ed DavidsonDirector, Financial Services
Diane SimsActing Director, Program Integrity
John Wible.....General Counsel
Sandra WoodDirector, Personnel & Staff Development
Bill Coleman.....Director, Facilities Management
Dr. William CallanDirector, Clinical Laboratories
Leon Barwick.....Director, Information Services
William P. AllinderDirector, Environmental Services
Dr. Charles WoernleAssistant Health Officer for Disease
Control and Prevention
Dr. Thomas Miller.....Director, Family Health Services
Kirk Whatley.....Director, Office of Radiation Control
Rick Harris.....Director, Health Provider Standards
Myra Downs.....Director, Home and Community Services
Kathy Vincent.....Acting Director, Professional &
Support Services
Dr. Jim McVayDirector, Health Promotion & Information
Affiliated entity:
Alabama Public Health Finance Authority

- Health Planning and Development Agency, State*334-242-4103
 100 North Union St., Suite 870, Montgomery, AL 36104
 J. Elbert Peters*Executive Director*
 Affiliated entity:
State Health Coordinating Council
Certificate of Need Review Board
- Hearing Instrument Dealers, Board of*.....334-242-1925
 400 S. Union St. Suite 125, Montgomery, AL 36130-3010
 Jeanne Stanfield*Executive Secretary*
- Heating and Air Conditioning Board*.....334-242-5550
 100 N. Union Street, Suite 630, Montgomery, AL 36130
 Jane Knott.....*Executive Secretary*
- High School Athletic Association, Alabama*.....334-242-5655
 926 Pelham St., Montgomery, AL 36104
 Daniel Washburn*Executive Director*
- Historic Ironworks Commission, Alabama*205-477-5711
 (Formerly Tannehill Furnace and Foundry Commission)
 Tannehill Ironworks Historical State Park,
 12632 Confederate Pkwy., McCalla, AL 35111
 Martin Everse*Parks Administrator*
 Vicki Gentry.....*Iron and Steel Museum*
 S. M. Mahan*Brierfield Ironworks Historical State Park*
- Historical Commission, Alabama*.....334-242-3184
 468 S. Perry St., Montgomery, AL 36130
 Elizabeth Ann Brown.....*Acting Executive Director*
 Affiliated entity:
Governor's Mansion Advisory Board
Cahaba Advisory Committee334-875-2529
- Home Builders Licensure Board*.....334-242-2230
 400 S. Union St., Suite 195, Montgomery, AL 36130-3605
 Tish P. Spencer*Executive Director*
- Housing Finance Authority*.....334-244-9200
 2000 Interstate Park Dr., Suite 408, Montgomery, AL 36109
 Robert Strickland.....*Executive Director*
- Human Resources, Department of*.....334-242-1160
 50 Ripley St., 2nd Floor, Montgomery, AL 36130
 Tony Petelos.....*Commissioner*
 Affiliated entities:
Child Care Commission
Interstate Compact on the Placement of Children

- Indian Affairs Commission*.....334-242-2831
 One Court Square, Suite 106, Montgomery, AL 36104
 Darla Graves*Executive Director*
 Affiliated entity:
Alabama Indian Housing Authority
- Industrial Relations, Department of*334-242-8990
 Industrial Relations Bldg., 649 Monroe St.,
 Montgomery, AL 36131
 Dottie Cieszynski*Director*
 Sylvia C. Williams*Chief, Employment Service Division*
 Tom J. Ventress*Chief, State Programs Division*
 James C. Hollon*Chief, Unemployment Compensation*
 Frank D. Marsh*General Counsel*
 James B. Abrams*Chief, Finance Division*
 Scottie Spates*Chief, Workers' Compensation*
 Douglas B. Dyer*Chief, Research and Statistics*
 Harris L. Cornett*Chief, Human Resources Division*
 S. Anthony Piel*Chief, Information Systems Division*
 Neil R. Smart, Jr.*Chief, Planning & Systems Analysis Div.*
 Craig Donley*Legislative Liaison*
 James A. Webb*Chief, Appeals and Hearings Division*
 Erskine Banks*Chief, EEO and Grievance Division*
 Deborah A. Herbert*Public Information Officer*
- Insurance, State Department of*334-269-3550
 201 Monroe Street, Suite 1700, Montgomery, AL 36104
 Richard H. Cater*Commissioner*
 Richard Ford*Chief Examiner*
 Denise B. Azar*Acting Chief of Receivership*
 Affiliated entities:
Alabama Insurance Board
- Interior Designers Registration Board*205-669-0542
 P.O. Box 1965, Columbiana, AL 35051
 Carolyn Sockwell*Chairman*
- Judicial Inquiry Commission* - see Judicial Branch
- Labor, Department of*334-242-3460
 100 North Union St. Suite 620, Montgomery, AL 36130
 Jerry C. Ray*Commissioner*
 C. Wayne Lucas*Assistant Director*
- Landscape Architects Board*334-262-1351
 908 S. Hull St., Montgomery, AL 36104
 Joann B. Brock*Administrator*

<i>Legislative Reference Service</i>	334-242-7560
11 S. Union Street, Suite 613, Montgomery, AL 36130	
Jerry L. Bassett	<i>Director</i>
<i>Legislative Fiscal Office</i>	334-242-7950
11 S. Union Street, Suite 620, Montgomery, AL 36130	
Joyce Bigbee	<i>Director</i>
<i>Library Service, Alabama Public</i>	334-213-3900
6030 Monticello Dr., Montgomery, AL 36130	
Patricia L. Harris	<i>Director</i>
Affiliated entity:	
<i>Interstate Library Compact</i>	
<i>Lieutenant Governor's Office</i>	334-242-7900
11 S. Union St., Suite 725, Montgomery, AL 36130	
Don Siegelman	<i>Lieutenant Governor</i>
<i>Liquefied Petroleum Gas Board, Alabama</i>	334-242-5649
818 S. Perry St., Montgomery, AL 36104	
Leonard Pakruda	<i>Administrator</i>
<i>Manufactured Housing Commission, Alabama</i>	334-242-4036
350 S. Decatur Street, Montgomery, AL 36104	
Jimmy B. Sloan	<i>Administrator</i>
<i>Marine Environmental Sciences Consortium</i>	334-861-2141
Dauphin Island SeaLab	
101 Bienville Rd., Dauphin Island, AL 36528	
George Crozier	<i>Director</i>
<i>Medicaid Agency, Alabama</i>	334-242-5000
501 Dexter Ave., Montgomery, AL 36103	
Gwendolyn H. Williams	<i>Commissioner</i>
<i>Medical Examiners, State Board of</i>	334-242-4116
848 Washington Ave., Montgomery, AL 36104	
William M. Lightfoot, M.D.	<i>Chairman</i>
<i>Medical Licensure Commission</i>	334-242-4153
848 Washington Ave., Montgomery, AL 36104	
Jerry N. Gurley, M.D.	<i>Executive Director / Chairman</i>
<i>Medical Scholarship Awards, Board of</i>	205-934-4384
Volker Hall, Room P115, Birmingham, AL 35294-0019	
Freida Baldwin	<i>Financial Officer</i>

- Men's Hall of Fame*205-870-2362
 c/o Samford University, P.O. Box 2307,
 Birmingham, AL 35229
 Evelyn Stough*Executive Secretary*
- Mental Health & Mental Retardation, State Dept. of*334-242-3107
 100 North Union St., Montgomery, AL 36130-1410
 Virginia A. Rogers*Commissioner*
 Edward G. Kamnikar...*Assoc. Commissioner for Administration*
 Cathy Maddox*Assoc. Commissioner for Mental Retardation*
 O'Neill Pollingue.....*Director, Substance Abuse*
 Charles Fetner.....*Assoc. Commissioner for Mental Illness*
- Affiliated entities:
Alabama Family Trust Board of Trustees
Alabama Mental Health Finance Authority
Alabama State Hospital & Partlow State School Bond
Commission
Bond Commission for Construction of Mental Health Facilities
Mental Health Capital Outlay Oversight Commission
- Military Department*334-271-7200
 1720 Cong. W.L. Dickinson Dr., Montgomery, AL 36109-0711
 Clyde A. (Lou) Hennies*Adjutant General*
 Affiliated entity:
Armory Commission of Alabama
- Military Hall of Honor, Alabama*334-683-2346
 1101 Washington St., Marion Military Institute,
 Marion, AL 36756
 Colonel John Gibler*Director*
- Mine Personnel, Examiners of*205-254-1275
 P.O. Box 10444, Birmingham, AL 35202
 Jerry L. Scharf.....*Ex Officio Chairman*
- Motorsports Hall of Fame, International*205-362-5002
 P.O. Box 1018, Talledega, AL 35161
 Don Naman*Executive Director*
- Mowa Choctaw Housing Authority*.....334-944-2498
 P.O. Box 268, McIntosh, AL 36553
- Music Hall of Fame Board, Alabama*.....205-381-4417
 P.O. Box 709, Tuscumbia, AL 35674
 David Johnson.....*Executive Director*
 Affiliated entity:
Alabama Music Hall of Fame Authority
- Nursing, Board of*.....334-242-4060
 770 Washington Ave., Suite 250, Montgomery, AL 36130
 Judi Crume*Executive Officer*

- Nursing Home Administrators, State of Alabama*
Board of Examiners for334-271-6214
 4156 Carmichael Rd., Montgomery, AL 36106
 Katrina G. MagdonExecutive Secretary
- Occupational Therapy, Board of*.....334-353-4466
 P.O. Box 304510, Montgomery, AL 36130-4510
 Ann CosbyExecutive Director
- Oil and Gas Board & Geological Surveys*205-349-2852
 420 Hackberry Lane, Tuscaloosa, AL 35401
 Dr. Donald F. OltzSupervisor
- Olympic Coordination Board*.....334-242-7856
 11 S. Union St., Suite 729, Montgomery, AL 36130
 Senator Dewayne FreemanChairman
- Optometric Scholarship Awards, Board of*205-934-4384
 Volker Hall, Room P115, Birmingham, AL 35294-0019
 Freida BaldwinFinancial Officer
- Optometry, State Board of*205-538-9903
 P.O. Box 448, Attalla, AL 35954
 Dr. Robert P. PharrExecutive Director
- Pardons and Paroles, State Board of*334-242-8700
 500 Monroe St., Montgomery, AL 36130
 Gladys R. RiddleChairman
- Peace Officers Annuity Fund*334-242-4079
 514 S. McDonough St., Montgomery, AL 36102
 John E. Hixon, Jr.Executive Director
- Peace Officers' Hall of Fame Board, Alabama*334-242-3440
 514 Washington St., Montgomery, AL 36104
 Jerry ShoemakerSecretary
- Peace Officers' Standards and Training Commission*....334-242-4045
 100 Union St., Suite 600, Montgomery, AL 36103
 Chief R. Alan BenefieldExecutive Secretary
- Personnel, State Dept. of*334-242-3389
 Folsom Administrative Bldg., 3rd Floor,
 Montgomery, AL 36130-4100
 Thomas FlowersInterim Director

<i>Pharmacy, Alabama Board of</i>	205-967-0130
1 Perimeter Park S., Suite 425-South, Birmingham, AL 35243	
Jerry Moore	<i>Executive Secretary</i>
<i>Physical Fitness & Sports, Governor's Commission on</i> ...	334-242-4496
560 S. McDonough St., Montgomery, AL 36130	
Ronnie Floyd.....	<i>Acting Executive Director</i>
<i>Physical Therapy, State Board</i>	334-242-4064
100 N. Union St., Suite 627, Montgomery, AL 36130	
Donald L. Hiltz.....	<i>Chairman</i>
Kathryn Brown	<i>Executive Director</i>
<i>Pilotage Commission, State</i>	334-479-9247
P.O. Box 273, Mobile, AL 36601	
Capt. John C. Gray	<i>Chairman</i>
<i>Plumbers & Gas Fitters Examining Board</i>	205-945-4857
11 W. Oxmoor Rd., Suite 104, Birmingham, AL 35209	
Ed Lawrence.....	<i>Executive Director</i>
Larry Hodges.....	<i>Deputy Director</i>
<i>Podiatry, Board of</i>	205-995-8537
13 Innisbrook Ln., Birmingham, AL 35242	
Thomas S. Godfryd, DPM	<i>President</i>
<i>Polygraph Examiners, Board of</i>	334-260-1182
2720-D W. Gunter Park Dr., Montgomery, AL 36109	
Pyron G. Pound, Jr.	<i>Chairman</i>
<i>Prosecution Services, Office of</i>	334-242-4191
515 S. Perry St., Montgomery, AL 36104	
Tom Sorrells.....	<i>Director</i>
<i>Psychology, State Board of Examiners</i>	334-242-4127
660 Adams Ave., Suite 360, Montgomery, AL 36104	
Greer Berns	<i>Executive Officer</i>
<i>Public Accountancy, Alabama State Board of</i>	334-242-5700
770 Washington Ave., Suite 236, Montgomery, AL 36130-0375	
J. Lamar Harris, CPA.....	<i>Executive Director</i>
<i>Public Safety, Department of</i>	334-242-4385
Public Safety Bldg., 500 Dexter Ave., Montgomery, AL 36130	
Col. Len N. Hagan	<i>Director</i>
Lt. Col. M. B. Sullivan	<i>Assistant Director</i>

Major Jerry Shoemaker*Chief, Drivers License Division*
 Major Larry S. Ray*Chief, Highway Patrol Division*
 Major C. K. Hallford*Chief, Administrative Division*
 Major John Cloud*Chief, ABI Division*
 Major Charles E. Andrews*Chief, Service Division*

Public School and College Authority - see Finance Department

Public Service Commission, Alabama334-242-5209
 100 North Union St., Montgomery, AL 36104
 Jim Sullivan*President*, 334-242-5207
 Jan Cook*Associate Commissioner, No. 1*, 334-242-5203
 Charles B. Martin ...*Associate Commissioner, No. 2*, 334-242-5191
 Walter Thomas*Acting Secretary*, 334-242-5218

Public Television, Alabama205-328-8756
 2112 11th Ave. S., Suite 400, Birmingham, AL 35205-2884
 Judy Stone*Executive Director*
 Affiliated entities:
Alabama Educational Television Commission
Alabama Educational Television Foundation Authority

Real Estate Appraisers Board, Alabama334-242-8747
 100 North Union St., Suite 370, Montgomery, AL 36104
 J. W. Holland, Jr.*Executive Director*

Real Estate Commission, Alabama334-242-5544
 1201 Carmichael Way, Montgomery, AL 36106
 D. Philip Lasater*Executive Director*

Reapportionment Office, Legislative -
 see Legislative Branch section

Regional Planning Commissions
Alabama-Tombigbee Regional Commission334-682-4234
 12 Water Street, Suite 200, Camden, AL, 36726
 George F. Alford, Jr.*Executive Director*

Birmingham Regional Planning Commission205-251-8139
 2112 11th Ave. S., Suite 220, Birmingham, AL 35205
 Larry Watts*Executive Director*

*Central Alabama Regional Planning
 & Development Commission*334-262-4300
 125 Washington Ave., 3rd Floor, Montgomery, AL 36104
 Ann B. Harper*Executive Director*

- East Alabama Regional Planning & Development Commission*.....205-237-6741
P.O. Box 2186, Anniston, AL 36202
James W. Curtis.....*Executive Director*
- Lee-Russell Council of Governments*334-749-5264
2207 Gateway Drive, Opelika, AL 36801
Suzanne Burnette*Executive Director*
- North Central Alabama Regional Council of Governments*205-355-4515
216 Jackson Street, Decatur, AL 35601
Ronald Matthews*Executive Director*
- Northwest Alabama Council of Local Governments*205-389-0500
P.O. Box 2603, Muscle Shoals, AL 35662
Sam Minor*Executive Director*
- South Alabama Regional Planning Commission* ...334-433-6541
P.O. Box 1665, Mobile, AL 36633
Russell J. Wimberly*Executive Director*
- South Central Alabama Development Commission*...344-244-6903
5900 Carmichael Place, Montgomery, AL 36117
Carol B. Reddoch.....*Executive Director*
- Southeast Alabama Regional Planning & Development Commission*.....334-794-4093
P.O. Box 1406, Dothan, AL 36302
W. Fred Dykes.....*Executive Director*
- Top of Alabama Regional Council of Governments* ..205-533-3330
115 Washington St., S.E., Huntsville, AL 35801
Robert Culver*Executive Director*
- West Alabama Planning & Development Council*....205-333-2990
4200 Hwy. 69 N., Suite 1, Northport, AL 35476
Robert Lake.....*Executive Director*
- Registrars, Board of Appointment of* - see voter registration
- Governor*Fob James, Jr.
Commissioner of Agriculture and Industries.....Jack Thompson
State AuditorPat Duncan
- Rehabilitation Services, Dept. of*.....334-281-8780
2129 East-South Blvd., Montgomery, AL 36116
Lamona H. Lucas.....*Commissioner*
Affiliated entity:
Governor's Committee on Employment of People with Disabilities

<i>Retirement Systems of Alabama</i>	334-832-4140
<i>Judicial Retirement Fund</i>	
<i>Employees' Retirement System</i>	
<i>Teachers' Retirement System of Alabama</i>	
135 S. Union St., Montgomery, AL 36130	
Dr. David Bronner	<i>Chief Executive Officer</i>
Affiliated entities:	
<i>Alabama Heritage Trust Fund</i>	
<i>Public Education Employees' Health Insurance Fund</i>	
<i>Revenue, Department of</i>	334-242-1175
50 N. Ripley, Room 4112, Montgomery, AL 36132	
H.E. Monroe, Jr.	<i>Commissioner</i>
George M. Mingledorff, III	<i>Asst. Commissioner</i>
Lewis A. Easterly	<i>Department Secretary</i>
William Thompson	<i>Director, Administrative Law Division</i>
Ron Bowden	<i>Director, Legal Division</i>
Bill Bass	<i>Director, Ad Valorem Division</i>
Dwight Pridgen	<i>Director, Collection Services Division</i>
Cynthia Underwood	<i>Director, Individual / Corporate Tax Div.</i>
A. M. Franklin	<i>Acting Director, Information Processing</i>
Charles E. Crumbley	<i>Director, Investigations Division</i>
Terry Lane	<i>Director, Motor Vehicle Division</i>
Charlie M. Lassiter	<i>Director, Personnel / Training Division</i>
John H. Mann	<i>Director, Research Division</i>
Ernest Broadhead	<i>Director, Sales, Use & Business Tax Division</i>
<i>Safety Coordinating Committee, State</i>	334-242-3288
400 S. Union St., Montgomery, AL 36104	
Catherine R. Hunt	<i>Director</i>
<i>School of Fine Arts, Alabama</i>	205-252-9241
1800 8th Ave. N., Birmingham, AL 35203	
John Northrop	<i>Executive Director</i>
<i>School of Mathematics & Science, Alabama High</i>	334-441-2102
1255 Dauphin St., Mobile, AL 36604-2519	
Dr. David Laurenson	<i>Executive Director</i>
<i>Secretary of State</i>	334-242-7200
State Capitol, 600 Dexter Ave., Room S-105, Montgomery, AL 36130	
Jim Bennett	<i>Secretary of State</i>
Charles Grainger, Jr.	<i>Legal Advisor</i>
Hilda Kendrick	<i>Executive Assistant</i>
Vicki Balogh	<i>Elections Analyst / Candidates</i>
Janice McDonald	<i>Elections Analyst / PACS</i>

- Eleanor Swedenburg *Finance / Personnel*
 Mickey Moore *Information Systems*
 Affiliated entities:
Athlete Agent Regulatory Commission
Board of Canvassers of Election Returns
Home Inspectors Registration
- Securities Commission, State* 334-242-2984
 770 Washington Ave., Suite 570, Montgomery, AL 36130
 Joseph P. Borg *Director*
- Senior Citizens Hall of Fame, Alabama* - see Aging Commission
- Shakespeare Festival Theatre Finance*
Authority, Alabama 205-348-8346
 401 Queen City Ave., Tuscaloosa, AL 35401-1551
 Thomas C. Meredith *Chairperson*
- Social Workers Examiners Board* 334-242-5860
 64 N. Union St., Montgomery, AL 36130
 Alice King *Executive Secretary*
- Soil and Water Conservation Committee, Alabama* 334-242-2620
 100 N. Union St., Suite 334, Montgomery, AL 36104-3702
 Stephen Cauthen *Executive Director*
 Affiliated entities:
Alabama Agriculture & Conservation Development Commission
State Board of Registration for Professional Soil Classifiers
- Southern Development Council* 334-244-1801
 4101-C Wall St., Montgomery, AL 36106
 Tamara Lee *Executive Director*
- Space and Rocket Center, U.S.* 205-837-3400
 One Tranquility Base, P.O. Box 070015, Huntsville, AL 35807
 Thad Mauldin *Executive Director*
 Affiliated entities:
Alabama Space Science Exhibit Commission
Alabama Space Science Exhibit Finance Authority
- Speech Pathology & Audiology, Board of Examiners* ... 334-269-1434
 400 S. Union St., Suite 295, Montgomery, AL 36104
 Randolph P. Reaves *Executive Secretary*
- Sports Hall of Fame Board, Alabama* 205-323-6665
 2150 Civic Center Blvd., Box 10163, Birmingham, AL 35202-0163
 Bill Legg *Executive Director*

<i>St. Stephens Historical Commission</i>	334-847-2457
P.O. Box 78, St. Stephens, AL 36569	
Jim Long	<i>Director</i>
<i>State Docks Department</i>	334-441-7200
P.O. Box 1588, Mobile, AL 36633	
Jack Ravan	<i>Director</i>
<i>State Employees' Insurance Board</i>	334-242-4301
201 Monroe St., Suite 1650, Montgomery, AL 36130	
William L. Ashmore, CPA	<i>Executive Director</i>
<i>State Industrial Development Authority</i>	334-242-0400
401 Adams Ave., Suite 670, Montgomery, AL 36104	
Ira J. Silberman	<i>President</i>
<i>State Oil and Gas Board</i>	205-349-2852
420 Hackberry Lane, Tuscaloosa, AL 35401	
Dr. Donald F. Oltz	<i>Oil & Gas Supervisor</i>
<i>Supercomputer Authority</i>	
Network Office	205-971-7404
686 Discovery Dr., Huntsville, AL 35806	
Business Office	334-242-0100
401 Adams Ave., Montgomery, AL 36104	
Dr. Ben Barnes	<i>Chief Executive Officer</i>
<i>Surface Mining Commission</i>	205-221-4130
P.O. Box 2390, Jasper, AL 35502-2390	
Randall C. Johnson	<i>Director</i>
<i>Tannehill Furnace and Foundry Commission</i>	
- see Historic Ironworks	
<i>Tennessee-Tombigbee Waterway Development Authority</i> ..	601-328-3286
P.O. Drawer 671, Columbus, MS 39703	
Donald G. Waldon	<i>Administrator</i>
<i>Tennessee Valley Authority</i>	205-729-2000
<i>Browns Ferry Nuclear Plant</i>	
P.O. Box 2000, Decatur, AL 35609	
Christopher M. Crain	<i>Site Vice President</i>
<i>Tennessee Valley Exhibit Commission</i>	205-764-5900
Renaissance Tower, One Hightower Pl., Florence, AL 35630	
Denzel L. Clark	<i>Executive Director</i>
<i>Tenure Commission, State</i>	334-834-9790
P.O. Box 4177, Montgomery, AL 36195	
Dr. Paul R. Hubbert	<i>Ex officio Secretary</i>

- Tourism and Travel, Bureau of*334-242-4169
P.O. Box 4927, Montgomery, AL 36103-4927
Aubrey Miller*Director*
- Transportation, Department of*334-242-6311
1409 Coliseum Blvd., Montgomery, AL 36130
Jimmy Butts*Director*
Affiliated entities:
Aeronautics Commission
Alabama Enterprise Zone Advisory Board
Alabama Highway Authority
Alabama Highway Finance Corporation
Alabama Industrial Access Road & Bridge Corporation
Alabama Resource Development Commission
Alabama Toll Road, Bridge, and Tunnel Authority
American Association of State Highway & Transportation
Officials
Coosa Valley Development Authority
Federal Aid Highway Finance Authority
Mississippi-Louisiana-Alabama Rapid Rail Transit Commission
Publicity and Information Advisory Board
Southeastern Assoc. of State Highway & Transportation
Officials
State Safety Coordinating Committee
The Governor's Advisory Panel for the Prevention of Disabilities
Tombigbee Valley Development Authority
Travel and Tourism Advisory Board
- Treasurer, State of Alabama*334-242-7500
State Capitol, 600 Dexter Ave., Montgomery, AL 36130
Lucy Baxley*Treasurer*
Affiliated entities:
Unclaimed Property Division
Linked Deposit Program
Wallace-Folsom Prepaid College Tuition Trust Fund
- Trooper, State - see Public Safety*
- Turkey Hunters Hall of Fame Board, Alabama*
P.O. Box 28, Myrtlewood, AL 36763
- Uniform State Laws, Commission on*205-348-1125
University of Alabama School of Law, Room 310,
Tuscaloosa, AL 35487
Thomas L. Jones*Chairman*
- USS Alabama Battleship Commission*334-433-2703
P.O. Box 65, Mobile, AL 36601
Bill Tunnell*Executive Director*

- Veterans' Affairs, State Department of*334-242-5077
P.O. Box 1509 Montgomery, AL 36102-1509
Frank D. Wilkes.....*Director*
- Veterinarian, State* - see Agriculture & Industries
- Veterinary Medical Examiners, Alabama State Board* ...205-353-3544
P.O. Box 1968, Decatur, AL 35602-1968
Theresa S. Chandler*Executive Director*
- Voter Registration*334-242-4337
11 S. Union St., Montgomery, AL 36130
Anita Tatum.....*Director*
- Washington County Port Authority*334-847-2208
P.O. Box 146, Chatom, AL 36518
- White House Association, The*.....334-242-4624
644 Washington Ave., Montgomery, AL 36130
First White House of the Confederacy
Mrs. John H. Napier, III.....*Regent*
- Women's Commission, Alabama*334-242-7798
c/o Dept. of Industrial Relations,
Alabama Employment Service Division, 649 Monroe St.,
Montgomery, AL 36131
Vacant*Chairperson*
- Women's Hall of Fame Board*205-683-5242
c/o Judson College, Marion, AL 36756
Martha W. Williams.....*Executive Secretary-Treasurer*
- Youth Services Board, Alabama*334-215-3800
P.O. Box 66, Central Office, Mt. Meigs, AL 36057
James Dupree*Director*
Affiliated entity:
Interstate Compact on Juveniles

HIGHER EDUCATION AGENCIES

- Alabama Commission on Higher Education*.....334-242-1998
P.O. Box 302000, Montgomery, AL 36130-2000
Dr. Henry J. Hector*Executive Director*
- Alabama Department of Postsecondary Education*334-242-2900
401 Adams Ave., Montgomery, AL 36130-2130
Dr. Fred Gainous*Chancellor*

<i>Alabama Industrial Development Training</i>	
<i>Institute (AIDT)</i>	334-242-4158
One Technology Ct., Montgomery, AL 36116	
Ed Castile	<i>Director</i>

STATE COLLEGES AND UNIVERSITIES

<i>Alabama Agricultural and Mechanical (A&M)</i>	
<i>University</i>	205-851-5000
P. O. Box 1357, Normal, AL 35762	
Dr. John Gibson	<i>President</i>
<i>Alabama State University</i>	334-229-4100
P.O. Box 271, Montgomery, AL 36101-0271	
Dr. William H. Harris	<i>President</i>
<i>Athens State College</i>	205-233-8100
300 N. Beaty St., Athens, AL 35611	
Dr. Jerry Bartlett	<i>President</i>
<i>Auburn University</i>	334-844-4000
105 Samford Hall, Auburn University, AL 36849	
Dr. William V. Muse	<i>President</i>
Affiliated entities:	
<i>Water Resources Research Institute</i>	334-844-5075
<i>Auburn University at Montgomery</i>	334-244-3000
7300 University Dr., Montgomery, AL 36117-3596	
Dr. Roy Saigo	<i>Chancellor</i>
<i>Jacksonville State University</i>	205-782-5781
700 Pelham Rd., Jacksonville, AL 36265-9982	
Dr. Harold J. McGee	<i>President</i>
<i>Troy State University</i>	334-670-3000
University Ave., Troy, AL 36082-0001	
Dr. Jack Hawkins, Jr.	<i>Chancellor</i>
<i>Troy State University at Dothan</i>	334-983-6556
P.O. Box 8368, Dothan, AL 36304	
Dr. Mike Malone	<i>President</i>
<i>Troy State University in Montgomery</i>	334-834-1400
P.O. Drawer 4419, Montgomery, AL 36195	
Dr. Glenda S. McGaha-Curry	<i>President</i>

University of Alabama System205-348-5121
 401 Queen City Ave., Tuscaloosa, AL 35401
 Dr. Thomas C. Meredith.....*Chancellor*

University of Alabama205-348-6010
 P.O. Box 870231, Tuscaloosa, AL 35487-0231
 Dr. Andrew Sorensen*President*
 Affiliated entity:
Gorgas Memorial Board

University of Alabama at Birmingham.....205-934-4011
 University Station, Birmingham, AL 35294
 Dr. W. Ann Reynolds.....*President*
 Affiliated entity:
Board for Distribution & Delivery of Dead Bodies

University of Alabama in Huntsville.....205-890-6120
 301 Sparkman Dr., Huntsville, AL 35899
 Dr. Frank A. Franz.....*President*

University of Montevallo205-665-6000
 Station 6001, Montevallo, AL 35115
 Dr. Robert M. McChesney.....*President*

University of North Alabama205-760-4100
 P.O. Box 5004, Florence, AL 35632-0001
 Dr. Robert L. Potts*President*

University of South Alabama334-460-6101
 307 University Blvd., Mobile, AL 36688
 Dr. Frederick P. Whiddon*President*
 Affiliated entities:
Alabama High School Legislative Leadership Academy

University of West Alabama.....205-652-3400
 Station 2, Livingston, AL 35470
 Dr. Donald C. Hines*President*

ALABAMA STATE JUNIOR AND TECHNICAL COLLEGES

Alabama Industrial Dev. Training Institute334-242-4158
 One Technology Court, Montgomery, AL 36116-3200
 Mr. Edwin Castile.....*Director*

Alabama Southern Community College334-575-3156
 P.O. Box 2000, Monroeville, AL 36461
 Dr. John A. Johnson.....*President*

- Thomasville Campus*334-575-3156
P.O. Box 489, Thomasville, AL 36784
- Athens State College*205-233-8100
300 N. Beaty St., Athens, AL 35611
Dr. Jerry F. Bartlett*President*
- Ayers State Technical College, Harry M.*205-835-5400
P.O. Box 1647, Anniston, AL 36202-1647
Dr. Ed Meadows*President*
- Bessemer State Technical College*205-428-6391
P.O. Box 308, Bessemer, AL 35021
Dr. W. Michael Bailey*President*
- Bevill State Community College*205-648-3271
P.O. Box 800, Sumiton, AL 35148
Dr. Harold Wade*President*
- Fayette Campus*205-952-3221
2631 Temple Avenue, Fayette, AL 35555
- Hamilton Campus*205-921-3177
P.O. Drawer 9, Hamilton, AL 35570
- Bishop State Community College, S.D.*334-690-6416
351 N. Broad St., Mobile, AL 36603-5898
Dr. Yvonne Kennedy*President*
- Carver Campus*334-473-8692
414 Stanton St., Mobile, AL 36617
- Southwest Campus*334-479-7476
925 Dauphin Island Pkwy, Mobile, AL 36603-3299
- Calhoun Community College, John C.*205-306-2500
P.O. Box 2216, Decatur, AL 35609-2216
Dr. Richard Carpenter*President*
- Central Alabama Community College*205-234-6346
P.O. Box 699, Alexander City, AL 35010
Dr. James H. Cornell*President*
- Childersburg Campus*205-378-5576
P.O. Box 389, Childersburg, AL 35044
- Chattahoochee Valley Community College*334-291-4900
2602 College Dr., Phenix City, AL 36869
Dr. Richard Federinko*President*

- Drake State Technical College, J.F.*205-539-8161
3421 Meridian St. N., Huntsville, AL 35811
Dr. Johnny L. Harris.....*President*
- Enterprise State Junior College*.....334-347-2623
P.O. Box 1300, Enterprise, AL 36331
Dr. Stafford L. Thompson*President*
- Faulkner State Community College, James H.*334-580-2202
1900 U.S. Hwy. 31 S., Bay Minette, AL 36507
Dr. Gary L. Branch.....*President*
- Fairhope Branch*334-990-0420
450 Fairhope Avenue, Fairhope, AL 36532
- Gulf Shores Campus*.....334-968-3104
3301 Gulf Shores Parkway, Gulf Shores, AL 36042
- Gadsden State Community College*205-549-8200
P.O. Box 227, Gadsden, AL 35902-0227
Dr. Victor B. Ficker*President*
- Ingram State Technical College, J.F.*334-285-5177
P.O. Box 209, Deatsville, AL 36022
Mr. Doug Chambers*President*
- Jefferson Davis Community College*.....334-809-1550
220 Alco Dr., Brewton, AL 36426
Dr. Richard E. Brogdon.....*President*
- Atmore Campus*334-368-8118
P.O. Box 1119, Atmore, AL 36502
- Jefferson State Community College*.....205-239-5900
2601 Carson Rd., Birmingham, AL 35215-3098
Dr. Judy M. Merritt.....*President*
- Lawson State Community College, T.A.*205-925-2515
3060 Wilson Rd., S.W., Birmingham, AL 35221
Dr. Perry W. Ward*President*
- MacArthur State Technical College, Douglas*334-493-3573
P.O. Box 649, Opp, AL 36467
Mr. Wayne Bennett.....*Interim President*
- Northeast Alabama Community College*.....205-228-6001
P.O. Box 159, Rainsville, AL 35986-0159
Dr. Charles M. Pendley.....*President*

- Northwest-Shoals Community College*205-331-5200
P.O. Box 2545, Muscle Shoals, AL 35662
Dr. Larry McCoy*President*
- Phil Campbell Campus*205-331-6200
2080 College Rd., Phil Campbell, AL 35581
- Patterson State Technical College, John M.*334-288-1080
3920 Troy Hwy., Montgomery, AL 36116-2699
Larry Taunton*President*
- Reid State Technical College, Ed E.*334-578-1313
P.O. Box 588, Evergreen, AL 36401
Dr. Ulysses McBride*President*
- Shelton State Community College*205-759-1541
9500 Old Greensboro Rd., Tuscaloosa, AL 35404
Dr. Thomas E. Umphrey*President*
- Fredd Campus*205-758-3361
3401 Martin Luther King Jr. Blvd., Tuscaloosa, AL 35401
- Snead State Community College*205-593-5120
P.O. Drawer D, Boaz, AL 35957
Dr. Johnny McAlpine*President*
- Southern Union State Community College*205-395-2211
Roberts St., Wadley, AL 36276
Dr. Roy Johnson*President*
- Opelika Campus*334-745-6437
1701 Lafayette Pkwy., Opelika, AL 36801
- Sparks State Technical College, Chauncey*334-687-3543
P.O. Drawer 580, Eufaula, AL 36072-0580
Dr. Linda C. Young*President*
- Trenholm State Technical College, Councill*334-832-9000
P.O. Box 9039, Montgomery, AL 36108
Dr. Leroy Bell, Jr.*President (Interim)*
- George Corley Wallace Community College-Selma*334-875-2634
P.O. Drawer 1049, Selma, AL 36702-1049
Dr. Julius R. Brown*President*
- Wallace State Community College*205-352-8000
P.O. Box 2000, Hanceville, AL 35077-2000
Dr. James C. Bailey*President*

<i>Wallace Community College, George C.</i>	334-983-3521
Rte. 6 Box 62, Dothan, AL 36303	
Dr. Larry Beaty	<i>President</i>
<i>Wallace Junior College, Lurleen B.</i>	334-222-6591
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Seth Hammett	<i>President</i>

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Madison 35758

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Decatur 35602

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Anniston 36202

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Lineville 36266

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Fairfield 35064

District 15

John E. Amari.....9636 Parkway E.
Birmingham 35215

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Birmingham 35243

District 17

Jack Biddle III530 Beacon Parkway W.
Birmingham 35209

District 18

Rodger M. Smitherman1919 Morris Ave., Suite 1550
Bank for Savings Bldg.
Birmingham 35203

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Birmingham 35218

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Selma 36702-1305

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Montgomery 36108
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Mobile 36633
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Rogersville 35652

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Tuscumbia 35674

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Nelson Papucci1525 Perimeter Pkwy #400
Huntsville 35806

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Moulton 35650

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Huntsville 35810

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District 21

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Gadsden 35901

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Blaine Galliher174 S. 26th St.
Gadsden 35904

District 31

Jack Benton VenableBox 736
Tallassee 36078

District 32

Barbara BoydBox 227
Gadsden 35902-0227

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Ronald G. Johnson302 W. Hickory
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District 34

Gerald WillisRt. 5, Box 17
Piedmont 36272

District 35

Larry Sims540 Mahaffey Rd.
Eastaboga 36260

District 36

Michael D. Rogers822 Leighton Ave.
Anniston 36207

District 37

Richard J. LairdBonner Drive
Roanoke 36274

District 38

Bill Fuller212 S. LaFayette St.
LaFayette 36862

District 39

Richard J. LindseyRt. 2, Box 394
Centre 35960

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Al Knight1876-Data Dr. #N-404
Birmingham 35244

District 41

Mike Hill1900 Indian Lake Dr.
Birmingham 35244

District 42

Curtis Smith16131 Hwy. 22
Clanton 35045

District 43

Allen SandersonP.O. Box 530444
Birmingham 35253

District 44

Arthur Payne5168 Old Springville Rd.
Pinson 35126

District 45

Albert Morton833 Zellmark Dr.
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Jim Carns3 Office Park Cir. #120
Birmingham 35223

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Birmingham 35216

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Birmingham 35215

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Bobby Humphries323 13th Place
Pleasant Grove 35127

District 52

John W. Rogers, Jr.1424 18th S.W.
Birmingham 35211

District 53

Demetrius C. NewtonP.O. Box 2525
Birmingham 35202

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George Perdue#2 12th Ave. N.
Birmingham 35204

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Warren A. MinnifieldP.O. Box 3800
Birmingham 35208

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Lawrence McAdory1000 Barclay Dr.
Bessemer 35023

District 57

Tommie Lee Houston3709 Howard Ave.
Birmingham 35221

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Earnest Johnson8531 Zion City Rd.
Birmingham 35206

District 59

Lewis G. Spratt3809 4th St. W.
Birmingham 35207

District 60

John R. HilliardBox 11395
Birmingham 35202

District 61

Allen LaysonP.O. Box 88
Reform 35481

District 62

Gerald Allen.....P.O. Box 70007
Tuscaloosa 35407-1001

District 63

Tim Parker, Jr.P.O. Box 020908
Tuscaloosa 35402-0908

District 64

James E. WarrenBox 207
Castleberry 36432

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Jeff Dolbare.....Star Rt., Box 17
Bigbee 36150

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Frank P. WhiteRt. 1, Box 427
Flomaton 36441

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Ed Maull2002 4th Ave.
Selma 36703

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Thomas E. Jackson.....235 College Ave.
Jackson 36545

District 69

James L. ThomasP.O. Box 420
Camden 36726

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Bryant Melton, Jr.P.O. Box 70083
Tuscaloosa 35407

District 71

Lucius Black, Sr.P.O. Box 284
York 36925

District 72

Andrew HaydenBox 514
Union Town 36786

District 73

Perry O. Hooper, Jr.2141 Carmichael Rd.
Montgomery 36106

District 74

Bob McKeeBox 424
Montgomery 36101

District 75

Gregory D. Wren4211 Carmichael Rd.
Montgomery 36106

District 76

Thad McClammy1225 Air Base Blvd.
Montgomery 36108

District 77

John F. Knight, Jr.915 S. Jackson St.
Montgomery 36195-0301

District 78

Alvin HolmesBox 6064
Montgomery 36106

District 79

Pete TurnhamBox 1592, 507 Stage Rd.
Auburn 36830

District 80

Lesley VanceP.O. Box 1429
Phenix City 35868

District 81

Betty C. Graham.....P.O. Box 699
Alexander City 35010

District 82

Johnny Ford
Tuskegee Institute 36087

District 83

George C. Bandy1335 Auburn St.
Opelika 36801

District 84

James S. Clark.....Oakhill Apartments
Eufaula 36027

District 85

Locy Lamar Baker115 Bryant St.
Abbeville 36310

District 86

Joe R. Carothers, Jr.Rt. 8, Box 33
Dothan 36301

District 87

Riley SeibenhenerRt. 2, Box 166A
Hartford 36334

District 88

H. Mac Gipson, Jr.810 S. Memorial Dr.
Prattville 36067

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Steve Flowers.....Box 973
Troy 36081

District 90

Charles NewtonP.O. Box 246
Greenville 36037

District 91

W. Garreth Moore.....P.O. Box 1454
Enterprise 36331

District 92

Seth HammettP.O. Box 1836
Andalusia 36420

District 93

Steve Clouse.....P.O. Box 818
Ozark 36361

District 94

Walter E. Penry, Jr.12040 Co. Rd. 54
Daphne 36526

District 95

Stephen A. McMillan.....P.O. Box 337
Bay Minette 36507

District 96

Michael E. Box.....155 S. Warren St.
Mobile 36602

District 97

Yvonne Kennedy.....1205 Glennon Ave.
Mobile 36603

District 98

William Clark.....Citronelle Middle School
Citronelle 36522

District 99

James E. Buskey2800 Berkley
Mobile 36617

District 100

Victor Gaston864 West Parkwood Dr.
Mobile 36608

District 101

Chris Pringle.....413 Azalea Rd., Suite E
Mobile 36609

District 102

J.E. Turner.....P.O. Box 777
Citronelle 36522

District 103

Joseph C. Mitchell.....465 Dexter Ave.
Mobile 36604

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Mike Dean3705 Scenic Drive
Mobile 36605

District 105

Richard P. Crigler, Jr.P.O. Box 13160
Mobile 36663

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